

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

WEDNESDAY, THE 4TH DAY OF MARCH 2015/13TH PHALGUNA, 1936

Bail Appl..No. 688 of 2015 ()

**CRIME NO. 12/2015 OF KUTTAMPUZHA POLICE STATION,
ERNAKULAM DISTRICT**

PETITIONER/SOLE ACCUSED :

**PAULOSE, AGED 60 YEARS, S/O OUSEPH,
RESIDING AT AVIRAPATTU HOUSE, VADATTUPARA
KUTTAMPUZHA VILLAGE, ERNAKULAM DISTRICT
PINCODE-686691**

BY ADV. SRI.PEEYUS A.KOTTAM

RESPONDENT :

**STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM COCHIN 682031
(THE INVESTIGATING OFFICE IN CR.NO.12/2015 OF
KUTTAMPUZHA POLICE STATION ERNAKULAM DISTRICT)**

BY PUBLIC PROSECUTOR SRI. C. RASHEED

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 04-03-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

bp

B.KEMAL PASHA, J.

=====

B.A. No.688 of 2015

=====

Dated this the 4th day of March, 2015

ORDER

Petition filed under Section 438 Cr.P.C.

2. Petitioner is the accused in Crime No.12 of 2015 of the Kuttampuzha Police Station, registered for the offences punishable under Sections 341, 323, 324 and 354 of the Indian Penal Code.

3. The allegation against the petitioner is that on 09.01.2015 at 7.45 p.m., he wrongfully restrained the defacto complainant woman and caught hold of her hair and pushed her down. When her daughter intervened for her rescue, she was pushed away, thereby she also fell down. Then the petitioner sat on the defacto complainant and slapped her repeatedly, and further she was beaten on her chin.

4. Heard learned counsel for the petitioner and learned Senior Public Prosecutor.

5. It has come out that a counter case has been registered for the matter as Crime No.13 of 2015 of the said Police Station for the offences punishable under Sections 323

and 324 read with Section 34 of the Indian Penal Code and in that case the defacto complainant herein is the 3rd accused. It seems that the petitioner has sustained very serious injuries in the incident. No criminal antecedents have been reported against the petitioner. In fact, there was a quarrel and several persons had participated and some of them had become injured. Considering the facts and circumstances of the case and the fact that no criminal antecedents have been reported against the petitioner and the further fact that he has sustained very serious injuries, I am of the view that anticipatory bail can be granted to the petitioner.

In the result, this bail application is allowed and the investigating officer or such other police officer, who is conducting the arrest of the petitioner, is directed to enlarge the petitioner on bail in the event of his arrest on his executing a bond for Rs.25,000/- (Rupees twenty five thousand only) with two solvent sureties for the like sum each to the satisfaction of the officer conducting arrest, and subject to the following terms and conditions:-

- (i) The petitioner shall report before the

investigating officer in between 09.00 a.m. and 11.00 a.m. on all Wednesdays and Saturdays commencing from 11.03.2015 for a period of three months or till the filing of the final report in this case, whichever is earlier.

(ii) The petitioner shall not tamper with the evidence or influence witnesses.

(iii) The petitioner shall make himself available for interrogation as and when required by the investigating officer.

(iv) The petitioner shall not involve in any offence while on bail.

It is made clear that the violation of any of the conditions stipulated above will result in the cancellation of bail.

Sd/-
B.KEMAL PASHA
JUDGE

DSV/4/3/15

// True Copy //

P.A. To Judge

