

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. 847 of 2015 ()

CRIME NO. 92/2015 OF KANJAR POLICE STATION , IDUKKI DISTRICT

PETITIONER/ACCUSED :

**ROHITH K. RAJ, AGED 28 YEARS,
KAZHUNACKAL HOUSE, VELIYANOOR P.O.,
KOTTAYAM DISTRICT.**

BY ADV. SRI.B.S.SIVAJI

RESPONDENT(S)/COMPLAINANT:

- 1. STATE OF KERALA,
REP. BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**
- 2. THE C.I. OF POLICE,
KANJAR POLICE STATION, IDUKKI DISTRICT.**

BY PUBLIC PROSECUTOR SMT. LALIZA.T.Y.

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

sts

B.KEMAL PASHA, J.

B.A.No.847 of 2015 A

Dated this the 4th day of March 2015

ORDER

Petition under Section 438 Cr.P.C.

2. Petitioner is the first accused in Crime No.92/2015 of Kanjar police station, Idukki district pending investigation for the offences punishable under Sections 452, 427 and 294(b) read with Section 34 of the I.P. C.

3. The allegation against the petitioner is that, he along with other 2 accused, on 27.1.2015 at 00.30 a.m., trespassed into the court-yard of the house of the de-facto complainant and smashed the lights of the gate, and thereafter they trespassed into the car porch of the house and smashed and damaged the rear

windshield and parking light of the Maruti Swift car, parked inside the car porch, thereby causing a wrongful loss of ₹8,000/- to the de-facto complainant.

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

5 No criminal antecedents have been reported against the petitioner. The main allegation against the petitioner is that he along with the other accused trespassed into the court yard of the de-facto complainant and damaged the car, thereby causing a wrongful loss of ₹8,000/- to the de-facto complainant. The learned counsel for the petitioner has pointed out that the petitioner is a student. Having regard to the fact that the petitioner is a student, I am of the view that anticipatory bail can be granted to the petitioner by making a provision for compensating the damages sustained to the de-facto complainant.

5. 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 ₹25,000/- (Rupees twenty five thousand only) with two solvent sureties each for the like sum to the satisfaction of the officer conducting arrest, and subject to the following terms and conditions:-

(i) The petitioner shall deposit ₹8,000/- (Rupees eight thousand only) before the court below within one week from today.

(ii) The petitioner shall report before the investigating officer in between 9 a.m. and 11 a.m. on all Wednesdays and Saturdays commencing from 11.3.2015, for a period of three months or till the filing of the final report in this case, whichever is earlier.

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

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

(v) 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

dl

// TRUE COPY //

PA to Judge