

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

TUESDAY, THE 31ST DAY OF MARCH 2015/10TH CHAITHRA, 1937

Bail Appl..No. 859 of 2015 ()

CRIME NO. 3/2015 OF PUTHOOR POLICE STATION,KOLLAM DISTRICT

PETITIONER(S)/ACCUSED A1 & 2:

- 1. RAJESH, AGED 27 YEARS, S/O.RAJAN,
PUTHUVALPUTHENVEEDU, POOVATTOOR EAST MURI,
KALAYAPURAM VILLAGE, KOTTARAKARA TALUK,
KOLLAM DISTRICT.**
- 2. ANANDAN, AGED 43 YEARS,
S/O.CELLAPPAN, AYANIVILA PADINJATTATHIL VEEDU,
POOVATTOOR WEST MURI, KULAKKADA VILLAGE,
KOTTARAKARA TALUK, KOLLAM DISTRICT.**

BY ADV. SRI.K.VANIL KUMAR

RESPONDENT/COMPLAINANT:

**STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**

BY PUBLIC PROSECUTOR SMT. LALIZA.T.Y.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 31-03-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

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B.KEMAL PASHA, J.

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B.A. No. 859 of 2015

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Dated this the 31st day of March, 2015

ORDER

Petition under Section 438 Cr.P.C.

2. Petitioners are the accused in Crime No.3/2015 of the Puthoor Police Station, Kollam District, registered for the offences punishable under Sections 341, 294(b), 326, 323 and 427 read with Section 34 IPC.

3. The allegation against the petitioners is that on 1.1.2015 at 9.30 a.m., they wrongfully restrained the de facto complainant on the road while the de facto complainant was driving his autorikshaw. They pulled him down after abusing him. Thereafter, the 1st accused hit him with a granite stone, thereby causing the fracture of his 6th rib. It is alleged that both the accused fisted and stamped the de facto complainant. When one Arun, who is one of the relatives of the de facto complainant intervened, he was fisted on his face by the 1st accused, thereby causing an injury. The

mobile phone of the de facto complainant was snatched away and destroyed and his gold chain was snatched away and a portion of the gold chain was lost, thereby the de facto complainant sustained a wrongful loss of ₹15,000/-.

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

5. It has come out that a counter case has also been registered in respect of the incident as Crime No.14/2015 of the very same police station for the offences punishable under Sections 294(b), 323, 324 and 34 IPC. No criminal antecedents have been reported against the petitioners. There was no premeditation to cause grievous hurt in the case as the weapon allegedly used is a granite stone, taken from the road. Considering the facts and circumstances of this case, and the absence of any criminal antecedents on their part, I am of the view that this is a fit case wherein anticipatory bail can be granted to the petitioners by

making a provision for compensating the loss sustained to the de facto complainant.

6. In the result, this bail application is allowed and the investigating officer or such other police officer, who is conducting the arrest of the petitioners, is directed to enlarge the petitioners on bail in the event of their arrest on each of them 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) Each of the petitioners shall deposit an amount of ₹7,500/- before the court below within 15 days from today. The said amount shall be kept in deposit till the disposal of case for compensating the loss sustained to the de facto complainant.

(ii) The petitioners shall report before the investigating officer in between 9 a.m. and 11 a.m. on all Tuesdays and Fridays, commencing from

07.04.2015 for a period of three months or till the filing of the final report in this case, whichever is earlier.

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

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

(v) The petitioners 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

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P.A to Judge