

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

THURSDAY, THE 19TH DAY OF MARCH 2015/28TH PHALGUNA, 1936

Bail Appl..No. 918 of 2015 ()

CRIME NO. 159/2015 OF KASABA POLICE STATION, PALAKKAD

PETITIONER/ACCUSED NO.2 :

**SUJEESH, AGED 30 YEARS,
KURUPPATHU HNOUSE, MUNDAKODE,
CHANDRANAGAR POST, PALAKKAD DISTRICT.**

**BY ADVS.SRI.N.P.PRAJEESH
SRI.SUNIL JOSEPH**

RESPONDENT/COMPLAINANT :

**STATE OF KERALA
REPESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682031.**

BY PUBLIC PROSECUTOR SRI. SREEJITH V.S.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 19-03-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

bp

B.KEMAL PASHA, J.

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B.A.No.918 of 2015

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Dated this the 19th day of March, 2015

ORDER

Petition filed under Section 438 Cr.P.C.

2. The petitioner is the 2nd accused in Crime No.159 of 2015 of the Palakkad Cusba Police Station, Palakkad District, registered for the offences punishable under Sections 307, 326 and 341 read with Section 34 of the Indian Penal Code.

3. It is alleged that on 27.01.2015 at 9.30 a.m., while the defacto complainant was riding on his motorbike, the 1st accused obstructed the motorbike and inflicted a cut on his neck, thereby he fell down from the bike. When again the 1st accused again inflicted a cut on him, he warded it off with his left hand, thereby he sustained an injury on the left hand also. The allegation against the petitioner is that the petitioner attempted to catch and stop the defacto complainant and that the defacto complainant could manage to escape from his clutches. At that time the 3rd accused and the 4th accused

also attempted to approach the defacto complainant. When he made hue and cry, the local people gathered and then all the accused escaped from the spot.

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

5. There is no allegation that the petitioner had inflicted any injury on the defacto complainant. The only allegation is that he attempted to catch the defacto complainant and that the defacto complainant managed to escape from his clutches. All the overt acts are alleged against the 1st accused. The custodial interrogation of the petitioner is not required for the continued investigation of this case. Considering all the above, I am of the view that this is a fit case wherein 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 ₹50,000/- (Rupees fifty 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) Petitioner shall report before the investigating officer in between 09.00 a.m. and 11.00 a.m. on all Thursdays and Mondays commencing from 26.03.2015 for a period of three months or till the filing of the final report in this case, whichever is earlier.

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

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

(iv) 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/19/3

// TRUE COPY //

PA to Judge

