

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. 959 of 2015 ()

CRIME NO. 53/2015 OF DEVIKULAM POLICE STATION, IDUKKI DISTRICT

PETITIONER/ACCUSED :

**K.M.KANAKARAJ
S/O. GURUSWAMY, AGED 55 YEARS
KAIRALI BHAVAN, DEVIKULAM
IDUKKI DISTRICT.**

BY ADV. SRI.LATHEESH SEBASTIAN

RESPONDENTS/STATE AND COMPLAINANT :

**1. STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM – 682031.**

**2. SUB INSPECTOR OF POLICE
DEVIKULAM POLICE STATION – 685586.**

R1 & R2 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:**

Mn

B.KEMAL PASHA, J.

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B.A. No. 959 of 2015

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Dated this the 31st day of March, 2015

O R D E R

Petition under Section 438 Cr.P.C.

2. Petitioner is the accused in Crime No.53/2015 of the Devikulam Police Station, Idukki District, registered for the offences punishable under Section 447 IPC and Section 7(a) of the Kerala Land Conservancy Act.

3. The allegation against the petitioner is that he had committed trespass into 5 cents of 'puramboke' land belongs to the Government and constructed a building. Even though, stop memo was issued, disregarding the same, he continued the construction.

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

5. The learned counsel for the petitioner has pointed out that the brother of the petitioner was in possession of 5 cents of 'puramboke' land and he is residing in a building constructed in the

said property. When there was an attempt to forcible eviction, he had approached this Court and obtained an order. The said order is in force until further orders. Thereafter, when a landslide was occurred, a portion of the property was lost, whereby the construction of a compound wall was required. When that was obstructed by the Revenue Authorities, again, he had approached this Court and obtained an order for enabling him to construct the compound wall. When that construction was going on, the present crime was registered. Considering the facts and circumstances of the case, I am of the view that this is a fit case wherein anticipatory bail can be granted to the petitioner.

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 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.

(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

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P.A to Judge