

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

MONDAY, THE 2ND DAY OF MARCH 2015/11TH PHALGUNA, 1936

Bail Appl..No. 1002 of 2015 ()

CrI.MP 623/2015 of J.M.F.C-1.,RANNI
CRIME NO. 79/2015 OF CHITTAR POLICE STATION , PATHANAMTITTA

PETITIONER/ACCUSED:

ANIL KUMAR, AGED 40 YEARS
S/O. THANKACHAN, PUTHENVILAYIL HOUSE, KOTTAMONPARA
SEETHATHODE VILLAGE, KONNI TALUK.

BY ADVS.SRI.V.SETHUNATH
SRI.V.R.MANORANJAN (MUVATTUPUZHA)

RESPONDENTS/COMPLAINANT/STATE:

1. DY.S.P. OF POLICE, PATHANAMTHITTA
PATHANAMTHITTA DISTRICT - 689 645.
2. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM - 682 031.

R BY PUBLIC PROSECUTOR, SRI.SREEJITH V.S.

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
02-03-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

B.KEMAL PASHA, J.

B.A.No.1002 of 2015 A

Dated this the 2nd day of March 2015

ORDER

Petition filed under Section 439 Cr.P.C.

2. Petitioner is the accused in Crime No.79/2015 of Chittar Police Station, Pathanamthitta district registered for the offences punishable under Sections 323, 294(b), 354(b), 308 and 427 of the I.P.C. and section 3(1)(x) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

3. The allegation against the petitioner is that, on 3.2.2015 at 8 a.m., he wrongfully restrained the de-facto complainant woman and her brother, while they were riding on a motor bike and repeatedly inflicted cut injuries on the brother of the de-facto complainant with a chopper, thereby causing serious injuries and

attempting to commit culpable homicide. It is also alleged that he has slapped the de-facto complainant on her cheek and outraged her modesty by tearing away her shawl, and also dishonoured her by calling her caste name. She is the member of a Scheduled caste; whereas, the petitioner does not belong to any of the schedule castes or scheduled tribes. The petitioner has been in custody for the period from 6.2.2015 onwards.

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

5. It seems that the allegations against the petitioner are very grave and serious. The petitioner is in the habit of illicit connection with a woman at the neighbourhood of the de-facto complainant, which has become a menace to the nearby residents. The de-facto complainant opposed the same and that was the provocation on the part of the petitioner, which lead to the present incident. At the same time, no criminal antecedents have been reported against the

petitioner. It seems that the investigation of the case is practically over. Having regard to the period undergone by the petitioner in custody, the present stage of investigation and the absence of criminal antecedents on the part of the petitioner, I am satisfied that the petitioner can be enlarged on bail on stringent conditions.

6. In the result, this Bail Application is allowed and the petitioner shall be enlarged on bail 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 concerned Judicial First Class Magistrate's Court, and subject to the following terms and conditions:-

(i) The petitioner shall report before the Investigating Officer in between 9 am and 11 am on all Mondays and Thursdays, commencing from 9.3.2015 for a period of six months.

(ii) Except for observing condition No.(i) above, the petitioner shall not enter the local limits of the Pathanamthitta district for a period of six

months from today.

(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

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PA to Judge