

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. 1044 of 2015 ()

CRIME NO. 85/2015 OF BALARAMAPURAM POLICE STATION, THIRUVANANTHAPURAM

PETITIONERS/IST ACCUSED :

**RAHUL P.R., AGED 22 YEARS,
S/O. RAMACHANDRAN, MANIKADAVILASAM, AZHIPPI
ATHIYOOR, KOTTUKAL, THIRUVANANTHAPURAM.**

BY ADV. SRI.BIJU BALAKRISHNAN

RESPONDENT :

**STATE OF KERALA,
REPRESENTED BY THE SUB INSPECTOR OF POLICE
BALARAMAPURAM POLICE STATION
REP. BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA – 682 031.**

BY PUBLIC PROSECUTOR SRI. SREEJITH V.S.

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

Mn

B.KEMAL PASHA, J.

B.A.No.1044 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.85/2015 of Balaramapuram police station, Thiruvananthapuram district pending investigation for the offences punishable under Sections 143, 147, 148 149, 341, 294(b), 323, 324, 452, 354 and 427 read with Section 149 of the I.P. C.

3. The allegation against the petitioner and the other accused is that, on 24.1.2015 at 10.30 p.m., they formed themselves into an unlawful assembly, armed with deadly weapons and committed rioting and rioting armed with deadly weapons. It is also alleged that they trespassed into the house of the de-facto

complainant, kicked him down, severely beat, slapped, fisted and stamped him. It is alleged that they inflicted bodily harm to the daughters-in-law and the grand-daughter of the de-facto complainant, thereby outraging their modesty. It is alleged that they have smashed and damaged 4 motor bikes placed at the courtyard of the house, thereby causing a wrongful loss of ₹ 15,000/- to the de-facto complainant.

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

5. The learned counsel for the petitioner has pointed out that there is a counter case also, in connection with the said incident, which is registered as crime No.91/15 of the same police station, for the offence including under Arms Act. No criminal antecedents have been reported against the petitioner. The investigation of this case is practically over. This is a case wherein the custodial interrogation of the petitioner is not required for the continued

investigation of the case. At the same time, the damages sustained by the de-facto complainant has to be taken note of. Considering the facts and circumstances of the case and having regard to the fact that no criminal antecedents have been reported against the petitioner, I am of the view that this is a fit case wherein anticipatory bail can be granted to the petitioner by making a provision for compensating the de-facto complainant for the damages.

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 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 an amount of ₹15,000/- (Rupees fifteen thousand) before the court

below within 15 days 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

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PA to Judge