

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

THURSDAY, THE 5TH DAY OF MARCH 2015/14TH PHALGUNA, 1936

Bail Appl..No. 1058 of 2015 ()

**CRIME NO. 1148/2014 OF PALLICKAL POLICE STATION,
THIRUVANANTHAPURAM DISTRICT.**

.....

PETITIONER/ACCUSED (IN CUSTODY):

**RAGESH, AGED 27 YEARS,
S/O. RAMACHANDRAN, THARATTAYIL VEEDU,
ANAKUNNAM, MADAVOOR VILLAGE,
THIRUVANANTHAPURAM DISTRICT.**

BY ADV. SRI.M.DINESH.

RESPONDENT/COMPLAINANT:

**STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM - 682 031.**

BY PUBLIC PROSECUTOR SRI.SREEJITH. V.S.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 05-03-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

rs.

B. KEMAL PASHA, J.

.....
B.A. No.1058 of 2015
.....

Dated this the 5th day of March, 2015

ORDER

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Petition filed under Section 439 Cr.P.C.

2. Petitioner is the accused in Crime No.1148/2014 of Pallickal Police Station registered for the offences punishable under Sections 294(b), 323, 324, 427 and 308 IPC.

3. The petitioner hired the autorickshaw of the de facto complainant. On reaching the destination, the petitioner attempted to move away without giving the fare. The de facto complainant attempted to stop him and demanded the fare. Without any provocation, the de facto complainant was severely attacked by the petitioner. He hit on the head, face, nose and chest of the de facto

complainant with a granite stone, thereby causing a series of serious injuries. He snatched away his mobile phone, threw it away and destroyed. The de facto complainant sustained a wrongful loss of ₹30,000/- over and above the injuries all over his body. The petitioner has been in custody for the period from 05.02.2015 onwards.

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

5. No criminal antecedents have been reported against the petitioner. At the same time, the allegations against the petitioner are very grave and serious. Unnecessarily, the de facto complainant was attacked and severe injuries were caused on his face, nose, head, chest, etc. He was under medical treatment also. The petitioner has caused a wrongful loss of ₹30,000/- to the de facto complainant. Having regard to the period undergone by the petitioner in custody and the present stage of the investigation, I am of the view that the petitioner can be

enlarged on bail 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 petitioner shall be enlarged on bail on his executing a bond for ₹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 deposit ₹30,000/- before the court below within ten days.

(ii) The petitioner shall report before the Investigating Officer in between 9 a.m. and 11 a.m. on all Thursdays and Mondays commencing from 12.03.2015 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.

BA.1058/2015

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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)

aks/05/03

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PA to Judge