

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

WEDNESDAY, THE 18TH DAY OF MARCH 2015/27TH PHALGUNA, 1936

Bail Appl.No. 1098 of 2015

CRIME NO. 78/2015 OF PUTHOOR POLICE STATION, KOLLAM

.....

PETITIONER(S)/ACCUSED A3 :

**KALESH, AGED 22 YEARS,
S/O. BABU, KALESH BHAVAN, POOVATTOOR WEST MURI,
MAVADY P.O., KULAKKADA VILLAGE, KOTTARAKKARA TALUK,
KOLLAM DISTRICT.**

BY ADV. SRI.K.VANIL KUMAR

RESPONDENT(S)/COMPLAINANT:

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

BY PUBLIC PROSECUTOR SRI.SREEJITH V.S.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
18-03-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

msv/

B. KEMAL PASHA, J.

.....
B.A. No.1098 2015
.....

Dated this the 18th day of March, 2015

O R D E R

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Petition filed under Section 438 Cr.P.C.

2. Petitioner is the 3rd accused in Crime No.78/2015 of Puthoor Police Station, Kollam district, registered for the offences punishable under Sections 323, 324 and 308 read with Section 34 of the Indian Penal Code.

3. The allegation against the petitioner and the other accused is that on 18.01.2015 at 5.00 p.m., they attacked the defacto complainant at the Ambedkar Colony, Poovattur, Kulakkada Village. It is alleged that he was hit with a granite stone on his head and he was severely beaten up. He was slapped, kicked down and stamped.

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

5. No criminal antecedents have been reported against the petitioner. The contents of the CD reveal that the investigation of this case is practically over. There is no allegation that the petitioner has made use of any weapon. Matters being so, I am of the view that this is a fit case wherein anticipatory bail can be granted to the petitioner, especially when A1 and A2 were arrested and they were subsequently enlarged on bail by this Court.

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 report before the investigating officer in between 9 a.m. and 11 a.m. on all Wednesdays and Saturdays commencing from 25.03.2015 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)

aks/18/03

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PA to Judge