

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

THURSDAY, THE 19TH DAY OF MARCH 2015/28TH PHALGUNA, 1936

Bail Appl..No. 1115 of 2015 ()

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CRIME NO. 37/2015 OF ARALAM POLICE STATION, KANNUR DISTRICT.**

PETITIONER/1ST ACCUSED:

**BIJU, S/O.THOMAS,
AGED 38 YEARS, THOLANICKAL HOUSE,
VELIMANAM P.O., ARALAM AMSOM DESOM,
KANNUR DISTRICT.**

**BY ADVS.SRI.C.P.PEETHAMBARAN,
SMT.MINI.V.A.**

RESPONDENT/COMPLAINANT:

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

BY PUBLIC PROSECUTOR SMT.LALIZA. T.Y.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 19-03-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

rs.

B.KEMAL PASHA, J.

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B.A. No. 1115 of 2015

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Dated this the 19th day of March, 2015

O R D E R

Petition under Section 438 Cr.P.C.

2. Petitioner is the accused in Crime No.37/2015 of the Aralam Police Station, Kannur District, registered for the offence punishable under Section 326 IPC.

3. The allegation against the petitioner is that on 21.1.2015 at 6.30 p.m., there occurred a scuffle between the petitioner and the de facto complainant while the de facto complainant was having food from a hotel and in that process, the petitioner hit on the nose of the de facto complainant with a stone, thereby causing nasal bone fracture.

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

5. It seems that there occurred a quarrel in a hotel and in the quarrel, the petitioner as well as the de facto complainant

sustained injuries. The petitioner was also taken to the hospital by the police and a crime as Crime No.39/2015 was registered against the de facto complainant for the offence under Section 324 IPC. No criminal antecedents have been reported against the petitioner. When it was a mutual fight that has arisen momentarily, I am of the view that custodial interrogation of the petitioner is not required for the continued investigation of this case. Matters being so, I am of the view that this is a fit case wherein anticipatory bail can be granted to the petitioner.

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 Thursdays and Mondays, commencing from 26.3.2015 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.

B.KEMAL PASHA, JUDGE