

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE B.KEMAL PASHA

MONDAY, THE 23RD DAY OF MARCH 2015/2ND CHAITHRA, 1937

Bail Appl..No.1246 of 2015

**(CRIME NO.15/2015 OF MARAYAMUTTAM POLICE STATION,
THIRUVANANDAPURAM).**

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PETITIONER/ACCUSED NO.1:

**ARUN,AGED 26 YEARS,S/O.JAYAKUMAR,
RESIDING AT ALAMPARA,THEEKEPUTHENVEEDU,
KUNNATHUKAL,TRIVANDRUM**

**BY ADVS.SRI.K.R.AVINASH (KUNNATH)
SRI.ABDUL RAOOF PALLIPATH**

RESPONDENTS:

- 1. THE STATION HOUSE OFFICER,
MARAYAMUTTOM POLICE STATION,
THIRUVANANTHAPURAM-695124.**
- 2. THE STATE OF KERALA REPRESENTED BY
PUBLIC PROSECUTOR,HIGH COURT OF KERALA,
ERNAKULAM-682031.**

BY PUBLIC PROSECUTOR SRI.SREEJITH V.S.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 23-03-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

pk

B.KEMAL PASHA, J.

.....
B.A. No.1246 of 2015

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Dated this the 23rd day of March, 2015

ORDER

Petition filed under Section 438 Cr.P.C.

2. Petitioner is the 1st accused in Crime No.15/2015 of the Marayamuttom Police Station, Thiruvananthapuram which is presently pending investigation for the offences punishable under Sections 341, 323, 324, 506(i) and 302 read with Section 34 of the Indian Penal Code.

3. Originally, the crime was registered for other offences except 308 IPC. The allegation against the petitioner and the other accused is that on 04.01.2015 at 6 p.m., they wrongfully restrained the defacto complainant and the first accused inflicted a blow on his head with a liver, thereby causing a lacerated wound. It is alleged that the

first accused beat, fisted and stamped the defacto complainant.

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

5. No criminal antecedents have been reported against the petitioner. The crime was registered without an offence under Section 308 IPC. The said offence has been subsequently added. On going through the contents of the CD, including the wound certificate, I do not think that sufficient materials are there to invite the offence under Section 308 IPC. Considering the facts and circumstances of this case, this Court is 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 Mondays and Thursdays commencing from 30.03.2015 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.

B. KEMAL PASHA, JUDGE

B.A.No. 1246 of 2015

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