

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

TUESDAY, THE 24TH DAY OF MARCH 2015/3RD CHAITHRA, 1937

Bail Appl..No. 1256 of 2015 ()

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CRIME NO. 144/2015 OF KOLAVALLOOR POLICE STATION.**

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PETITIONER/ACCUSED:

**DINESHAN @ JANEESH, S/O.KUNHIKANNAN,
AGED 36 YEARS, MANGALASSERY HOUSE,
KOLAVALLOOR AMSOM DESOM, KANNUR DISTRICT.**

BY ADV. SRI.CIBI THOMAS.

RESPONDENTS/COMPLAINANT/STATE:

- 1. SUB INSPECTOR OF POLICE,
KOLAVALLOOR POLICE STATION,
KANNUR DISTRICT-670 001.**
- 2. 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 24-03-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

rs.

B.KEMAL PASHA, J.

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B.A.No.1256 of 2015

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Dated this the 24th day of March, 2015

ORDER

Petition filed under Section 438 Cr.P.C.

2. The petitioner is the accused in Crime No.144 of 2015 of the Kolavallloor Police Station, registered for the offences punishable under Sections 452, 323 and 294(b) of the Indian Penal Code.

3. The allegation against the petitioner is that on 31.01.2015 at 9 p.m., he trespassed into the house of the defacto complainant woman and slapped her husband. When she along with her father intervened for the rescue of her husband, they were also assaulted, abused and they were pushed down.

4. Heard learned counsel for the petitioner and the

learned Public Prosecutor.

5. According to the learned counsel for the petitioner an amount of ₹80,000/- was borrowed by one Vinod from the petitioner. He did not care to repay the amount and avoided even the phone calls of the petitioner. On getting information that the said Vinod was there at the house of the defacto complainant, the petitioner went over there and enquired about the said Vinod. Apart from that, according to the petitioner, no incident had occurred. Considering the facts and circumstances of the case and the present stage of the investigation, I do not think that the custodial interrogation of the petitioner is required for the continued investigation of this case. No criminal antecedents have been reported against the petitioner. Considering all the above I am of the view that this is a fit case wherein anticipatory bail can be granted to the petitioner.

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 for the like sum each to the satisfaction of the officer conducting arrest, and subject to the following terms and conditions:-

(i) Petitioner shall report before the investigating officer in between 09.00 a.m. and 11.00 a.m. on all Tuesdays and Fridays commencing from 31.03.2015 for a period of three months or till the filing of the final report in this case, whichever is earlier.

(ii) Petitioner shall not tamper with the evidence or influence witnesses.

(iii) Petitioner shall make himself available for interrogation as and when required by the investigating officer.

(iv) 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

DSV/24/3/15