

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

TUESDAY, THE 31ST DAY OF MARCH 2015/10TH CHAITHRA, 1937

Bail Appl..No. 1297 of 2015 ()

CRIME NO. 142/2015 OF CHENGAMANAD POLICE STATION, ERNAKULAM

PETITIONER/1st ACCUSED:

ABDUL JABBAR, AGED 45 YEARS,
S/O.SAIDU, ATTUVYPPIL (H), VAYALKARA,
KUNNUKARA, ALUVA.

BY ADV. SRI.M.VIVEK

RESPONDENT/STATE AND COMPLAINANT:

1. SUB INSPECTOR OF POLICE,
CHENGAMANAD POLICE STATION,
ERNAKULAM DISTRICT 683 578.

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

BY PUBLIC PROSECUTOR SMT. LALIZA T.Y.

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
31-03-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

DSV/31/3/15

B.KEMAL PASHA, J.

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B.A.No.1297 of 2015

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Dated this the 31st day of March, 2015

ORDER

Petition filed under Section 438 Cr.P.C.

2. The petitioner is the 1st accused in Crime No.142 of 2015 of the Chengamanad Police Station, registered for the offences punishable under Sections 323, 326 and 506(ii) read with Section 34 of the Indian Penal Code.

3. The allegation against the petitioner and the other accused is that on 19.02.2015 at 09.15 a.m., they pulled the defacto complainant out from the driver's seat of the lorry belongs to the defacto complainant and he was fisted and stamped. It is alleged that the 2nd accused beat the defacto complainant with a spade, thereby he sustained a fracture of the bone of his right hand.

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

5. It has been specifically alleged that the injury, which

has resulted in the fracture of the bone of the right hand of the defacto complainant was caused by A2 and not by the petitioner. Another case was also registered against the defacto complainant as Crime No.141 of 2015 of the Chengamanad Police Station. According to the learned counsel for the petitioner, the present crime has been registered as a counter case to the other crime. Whatever it is, it seems that the main overt act is alleged against the 2nd accused. The case of the petitioner is that the incident was as a result of a money transaction, by which the petitioner herein had borrowed some amounts from the defacto complainant, who is a money lender. The dispute has arisen with regard to the nonpayment of interest. Considering all the above, I am of the view that this is a fit case, wherein anticipatory bail can be granted to the petitioner as no criminal antecedents have been reported against him.

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 07.04.2015 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

