

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. 1346 of 2015 ()

CRIME NO. 187/2015 OF MUNAMBAM POLICE STATION.

PETITIONER/ACCUSED:

**SAJITH. K.S, S/O.SUBRAMANIAN,
AGED 23 YEARS, KATHIKULATH HOUSE,
PALLIPORT P.O., MUNAMBAM.**

**BY ADVS.SRI.P.J.JUSTINE,
SRI.K.R.ARUN,
SMT.GIA MATHAI KANDATHIL.**

RESPONDENT/COMPLAINANT:

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

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:**

rs.

B. KEMAL PASHA, J.

.....
B.A. No.1346 of 2015
.....

Dated this the 23rd day of March, 2015

ORDER

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Petition under Section 438 Cr.P.C.

2. Petitioner is the accused in Crime No.187/2015 of Munambam Police Station registered for the offences punishable under Sections 294(b), 323, 354, 427 and 452 IPC.

3. The allegation against the petitioner is that on 15.02.2015 at 9.20 p.m., he committed house trespass into the house of the de facto complainant woman, abused her in filthy language and kicked on her back. It is also alleged that he caught hold of her neck and pressed her neck. He came out and smashed the glasses of the car of the de

facto complainant parked at the courtyard, thereby causing a wrongful loss of ₹40,000/- to the de facto complainant.

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

5. The contents of the CD, *prima facie*, reveal the complicity of the petitioner. At the same time, it is a fact that no criminal antecedents have been reported against the petitioner. Considering the facts and circumstances of the case, I do not think that the custodial interrogation of the petitioner is required for the continued investigation of this case. At the same time, the loss sustained to the de facto complainant has to be taken into account while granting anticipatory bail to the petitioner. The learned Public Prosecutor has pointed out that there is possible communal violence in the locality in case the petitioner is enlarged on bail. Matters being so, I am of the view that anticipatory bail can be granted to the petitioner on strict conditions.

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 deposit ₹40,000/- before the court below within seven days from today, meant for compensating the de facto complainant, if entitled to, and the amount shall be kept in deposit till the disposal of the case.

(ii) 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 six months.

(iii) Except for observing condition No.(ii) above, the petitioner shall not enter the local limits of Munambam Police Station for a period of six months from today.

(iv) The petitioner shall not tamper with the evidence or influence witnesses.

(v) The petitioner shall make himself available for interrogation as and when required by the investigating officer.

(vi) 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/23/03

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PA to Judge