

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

TUESDAY, THE 17TH DAY OF MARCH 2015/26TH PHALGUNA, 1936

Bail Appl..No. 1359 of 2015 ()

CRIME NO. 55/2015 OF PEROORKADA POLICE STATION , THIRUVANANTHAPURAM.

PETITIONER/1ST ACCUSED (IN CUSTODY):

JAYAKUMAR, AGED 45 YEARS,
S/O. KRISHNAN NAIR, GANGA BHAVAN,
HOUSE NO. 137, AKG NAGAR,
KUDAPPANAKKUNNU VILLAGE,
THIRUVANANTHAPURAM.

BY ADV. SRI.MOHAN KUMAR KIRAN.

RESPONDENT/STATE:

STATE OF KERALA,
THROUGH THE SUB INSPECTOR OF POLICE,
PEROORKADA POLICE STATION, THIRUVANANTHAPURAM,
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 17-03-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

rs.

B. KEMAL PASHA, J.

.....
B.A. No.1359 2015
.....

Dated this the 17th day of March, 2015

ORDER

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Petition filed under Section 439 Cr.P.C.

2. Petitioner is the 1st accused in Crime No.55/2015 of Peroorkada Police Station, Thiruvananthapuram registered for the offences punishable under Sections 294 (b), 323, 324, 341 and 308 read with Section 34 IPC.

3. The defacto complainant was the 3rd prosecution witness in Sessions Case No.2057/2013 pending before the Principal Assistant Sessions Court, Thiruvananthapuram. As the defacto complainant had supported the prosecution in that case, he was threatened by the petitioner herein, who is the 2nd accused in that Sessions Case. When the defacto

complainant was threatened and intimidated, he complained the matter before the police. A crime was registered by the police as Crime No.48.2015 of Peroorkada Police Station with regard to that. Parties were called and a compromise was entered at the Police Station and the defacto complainant agreed that he did not want to pursue the matter. The police warned and cautioned the petitioner with dare consequences, in case of continued intimidation. It is alleged that on the very same evening after the said compromise, on 12.01.2015 at 6 p.m., the petitioner along with the other accused wrongfully restrained the defacto complainant. It is alleged that the petitioner was riding a motorbike rashly and he rushed towards the defacto complainant to knock him down. However, the defacto complainant avoided the attack by jumping away from the road. Then, the petitioner along with the 2nd accused attacked the defacto complainant. He was brutally beaten up, kicked down and stamped. Further, the petitioner hit on

his head with a granite stone. The petitioner has been in custody for the period from 17.01.2015 onwards.

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

5. The investigation of this case is over and final report has already been filed. Having regard to the period undergone by the petitioner in custody, I am of the view that the petitioner can be enlarged on bail, on strict conditions.

6. In the result, this Bail Application is allowed and the petitioner shall be enlarged on bail on his executing a bond for ₹50,000/- (Rupees fifty thousand only) with two solvent sureties for the like sum each to the satisfaction of the concerned Judicial First Class Magistrate's Court, 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 Tuesdays and Fridays, commencing from 24.03.2015 for a period of six months.

(ii) Except for observing condition No.(i) above, the petitioner shall not enter the local limits

of Thiruvananthapuram city for a period of six months from today.

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

(iv) The petitioner shall make himself available for interrogation as and when required by the Investigating Officer.

(v) 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/17/03

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PA to Judge