

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

THURSDAY, THE 19TH DAY OF MARCH 2015/28TH PHALGUNA, 1936

Bail Appl..No. 1397 of 2015 ()

CRIME NO. 161/2015 OF PANANGAD POLICE STATION, ERNAKULAM DISTRICT.

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APPLICANT/ACCUSED NO.2:

**ARUN KUNNATH, AGED 34 YEARS,
S/O.N.K. PEETHAMBARAN, KUNNATHNIKARTHIL HOUSE,
PANANGAD P.O., KOCHI- 682 506.**

BY ADV. SRI.M.REVIKRISHNAN.

RESPONDENT/COMPLAINANT:

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

BY PUBLIC PROSECUTOR SMT.LALIZA. T.Y.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 19-03-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

rs.

B.KEMAL PASHA, J.

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B.A.No.1397 of 2015

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Dated this the 19th day of March, 2015

ORDER

Petition filed under Section 438 Cr.P.C.

2. The petitioner is the 2nd accused in Crime No.161 of 2015 of the Panangad Police Station, Ernakulam District, registered for the offences punishable under Sections 323, 341 and 354 read with Section 34 of the Indian Penal Code.

3. It is alleged that on 24.02.2015 at 9.15 a.m., the 1st accused, who is the father of the petitioner, and the petitioner, who is the 2nd accused, wrongfully restrained the defacto complainant woman on the pathway. It is further alleged that the 1st accused pulled the defacto complainant down by catching on the collar of her churidar. When the mother of the defacto complainant rushed to the spot, she was also pushed down by the 1st accused.

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

5. The only non-bailable offence alleged in the crime is one under Section 354 of the Indian Penal Code. At the same time, the allegations constituting the said offence are against the 1st accused alone. Considering the facts and circumstances of the case, I am of the view that the custodial interrogation of the petitioner is not required for the continued investigation of this case. No criminal antecedents have been reported against the petitioner. The learned counsel for the petitioner has pointed out that the petitioner is a Government Servant. 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 Thursdays and Mondays commencing from 26.03.2015 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/19/3/15

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PA to Judge