

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

THURSDAY, THE 26TH DAY OF MARCH 2015/5TH CHAITHRA, 1937

Bail Appl..No. 1454 of 2015 ()

CRIME NO. 59/2015 OF KARIKOTTAKARI POLICE STATION , KANNUR.

PETITIONER/ACCUSED:

**VINEETH A.S., S/O.SANKARAN,
AGED 34 YEARS,
S/O.SANKARAN, ASARIPARAMBIL HOUSE,
AYYANKUNNU AMSOM, P.O.MUNDAYAMPARAMBA,
KANNUR DISTRICT.**

**BY ADVS.SRI.C.P.PEETHAMBARAN
SMT.MINI.V.A.**

RESPONDENT(S)/COMPLAINANT:

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

R BY PUBLIC PROSECUTOR SRI. SREEJITH.V.S

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 26-03-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

vmr.

B.KEMAL PASHA, J.

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B.A. No. 1454 of 2015

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Dated this the 26th day of March, 2015

ORDER

Petition under Section 438 Cr.P.C.

2. Petitioner is the accused in Crime No.59/2015 of the Karikottakari Police Station, presently pending investigation, for the offences punishable under Section 332 IPC and Section 117(e) of the Kerala Police Act.

3. The allegation against the petitioner is that on 12.2.2015 at 5.45 p.m., he came to the Police Station and fisted on the face of a Senior Civil Police Officer, who was on duty.

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

5. The learned counsel for the petitioner has pointed out that the relationship of the petitioner and his wife became strained on account of the illicit intimacy of the wife of the petitioner with another policeman. At her instance, a crime was registered for the

offence under Section 498(A) IPC as against the petitioner. When the petitioner was attacked by his father-in-law and the relatives of his wife, he had to file a complaint, for which, he along with his mother went to the police station. At that time, allegedly at the influence of the other policeman, who is having illicit intimacy with the wife of the petitioner, the petitioner was severely assaulted by the policemen. When his mother intervened for his rescue, she was also beaten up and her modesty was outraged. On going through the wound certificate which finds a place among the records in the C.D., I do not find any injuries to the de facto complainant. Considering the submissions made by the learned counsel for the petitioner and the facts and circumstances of the case, I do not think that the case against the petitioner is presently believable. Matters being so, I am of the view that this is a fit case wherein anticipatory bail can be granted to the petitioner.

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 report before the investigating officer in between 9 a.m. and 11 a.m. on all Thursdays and Mondays, commencing from 2.4.2015 for a period of three months or till the filing of the final report in this case, whichever is earlier.

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

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

(iv) 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

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//True copy//

P.Ato Judge