

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

MONDAY, THE 30TH DAY OF MARCH 2015/9TH CHAITHRA, 1937

Bail Appl..No. 1553 of 2015 ()

**CRIME NO. 1542/2014 OF KAZHAKKOOTTAM POLICE STATION ,
THIRUVANANTHAPURAM DISTRICT**

PETITIONER/1ST ACCUSED :

**SAJEER, AGED 21 YEARS
S/O. MUHAMMED IBRAHIM,
THEKKETHIL VEEDU, KARICHARA
PALLIPPURAM VILLAGE,
THIRUVANANTHAPURAM DISTRICT.**

BY ADV. SRI.P.ANOOP (MULAVANA)

RESPONDENT :

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

BY PUBLIC PROSECUTOR SMT. LALIZA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 30-03-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Mn

B.KEMAL PASHA, J.

.....
B.A. No.1553 of 2015
.....

Dated this the 30th day of March, 2015

ORDER

Petition filed under Section 439 Cr.P.C.

2. Petitioner is the 1st accused in Crime No.1542/2014 of the Kazhakkootam Police Station, Thiruvananthapuram registered for the offences punishable under Sections 143, 147, 148, 323, 324, 341, 308 and 427 read with Section 149 of the Indian Penal Code.

3. The allegation against the petitioner and the other accused is that on 09.12.2014 at 4.30 p.m., they wrongfully restrained the defacto complainant and his friend named Jeo and the first accused beat jeo on his head with a pipe range and the 2nd accused inflicted a cut on the defacto complainant with a chopper on the front and back of his

head. It is alleged that 3rd accused beat the defacto complainant on his head and back with an iron pipe and the first accused again beat on the head of the defacto complainant and Jeo with a pipe range. The other accused beat, fisted and stamped the defacto complainant and Jeo. The petitioner has damaged the mobile phone of the defacto complainant thereby causing a wrongful loss of Rs.30,000/- to the defacto complainant. The petitioner has been in custody for the period from 25.02.2015 onwards.

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

5. It has been reported that the petitioner is involved in two other crimes also. At the same time, on going through the contents of the CD, it seems that continued detention of the petitioner in custody is not required for the continued investigation of this case. Having regard to the period undergone by the petitioner in custody and the present stage of investigation, I am of the view that by

making a provision for compensating the loss sustained to the defacto complainant, the petitioner can be enlarged on bail.

6. In the result, this Bail Application is allowed and the petitioner shall be enlarged on bail on his executing a bond for ₹1,00,000/- (Rupees one lakh 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 deposit an amount of ₹30,000/- (Rupees thirty thousand only) before the court below and the said amount shall be kept in deposit till the disposal of the case, for compensating the loss, if any, sustained to the defacto complainant.

(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 06.04.2015 for a period of six months.

(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

ul/-

[True copy]

P.S. to Judge