

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

TUESDAY, THE 14TH DAY OF JULY 2015/23RD ASHADHA, 1937

Bail Appl..No. 1910 of 2015 ()

CR.NO. 174/2015 OF SREEKRISHNAPURAM POLICE STATION

PETITIONER/1ST ACCUSED:

**SREENESH ALIAS UNNIKUTTAN,
S/O.AYYAPPAN, AGED 23 YEARS, MANALADIKKALAM HOUSE,
PALODE P.O., THACHANATTUKARA, PALAKKAD.**

BY ADV. SRI.JACOB SEBASTIAN

RESPONDENT/COMPLAINANT :

**STATE OF KERALA,
REP. BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA
ERNAKULAM, REPRESENTING S.I. OF POLICE
SREEKRISHNAPURAM POLICE STATION.**

BY PUBLIC PROSECUTOR SRI. SREEJITH V.S.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 14-07-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Mn

K. ABRAHAM MATHEW, J.

B.A. No.1910 of 2015

Dated this the 14th day of July, 2015

ORDER

Petition filed under Section 438 Cr.P.C.

2. Petitioner along with the co-accused is alleged to have committed the offences under Sections 341, 324 and 326 read with Section 34 of the Indian Penal Code.

3. The prosecution case is that they assaulted the victim with a stone causing fracture of his nasal bone.

4. Heard.

5. The learned counsel submits that the petitioner is not involved in the incident. His name does not find a place in the First Information Statement. The learned Public Prosecutor submits that he is a person described in the First Information Statement. He has appeared in person and produced his identity cards. I am satisfied that the description given in the First Information Statement does not go with his features. There is a probability of

mistaken identity. Further investigation may be necessary to ascertain the identity of the real offender. In these circumstances I am inclined to grant the prayer of the petitioner for anticipatory bail.

In the result, this application is allowed.

1. The petitioner shall be released on bail after interrogation on his executing a bond for Rs.25,000/- (Rupees Twenty five thousand only) with two solvent sureties each for the like sum if he is arrested by the police in connection with this case.

2. He shall appear before the investigating officer for interrogation if he is so required by him in writing.

3. He shall not get himself involved in any other criminal case while he is on bail.

4. He shall not intimidate or attempt to influence the witnesses.

5. He shall not destroy or tamper with the evidence.

In case of violation of any of the above conditions, the learned Magistrate is empowered to cancel the bail in accordance with law.

If the petitioner surrenders before the Magistrate this

order is not applicable and the learned Magistrate may pass appropriate orders.

sd/-
K. ABRAHAM MATHEW
JUDGE

R.AV

//True Copy//

PA to Judge