

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE SUNIL THOMAS

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

Bail Appl..No. 1914 of 2015 ()

CRIME NO. 91/2015 OF KOIPURAM POLICE STATION,PATHANAMTHITTA DISTRICT

PETITIONER/ACCUSED NO.1:

SAJIKUMAR, AGED 48 YEARS,
S/O.AYYAPPAN, SAMANYAM HOUSE, ERAVIPEROOR P.O.,
ERAVIPEROOR VILLAGE, THIRUVALLA TALUK,
PATHANAMTHITTA DISTRICT.

BY ADVS.SRI.S.RAJEEV
SRI.K.K.DHEERENDRAKRISHNAN
SRI.V.VINAY

RESPONDENT(S)/STATE :

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1. STATE OF KERALA,
REP. BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM-682 031 (CRIME NO.91/2015 OF KOIPURAM POLICE STATION,
PATHANAMTHITTA DISTRICT).
 2. STATION HOUSE OFFICER,
KOIPURAM POLICE STATION,
PATHANAMTHITTA DISTRICT-689 531. (CRIME NO.91/2015 OF
KOIPURAM POLICE STATION,
PATHANAMTHITTA DISTRICT).

BY PUBLIC PROSECUTOR SMT. MADHUBEN.M.

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

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SUNIL THOMAS, J.

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B.A.No.1914 of 2015

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Dated this the 14th day of July, 2015

ORDER

Petitioner is the first accused in Crime No.91 of 2015 of the Koipuram Police Station for offences punishable under Sections 341, 294(b), 326, 324, 323, 427 and 394 r/w Section 34 of the Indian Penal Code.

2. Allegation of the prosecution is that on 03.02.2015 while the de facto complainant was travelling in his vehicle, accused three in number, who were following in another vehicle overtook the vehicle, intercepted the de facto complainant and assaulted him. It is alleged that in the course of the attack, iron rod was used to cause bodily injuries. Alleging that the de facto complainant sustained bodily injuries at the hands of accused Nos.1 to 3, that they have stolen away the key and RC book of the vehicle and that they had caused loss of cash and gold ornaments, complaint was laid. Apprehending arrest, first accused has approached this Court seeking pre-arrest bail.

3. Heard both sides and examined records.

4. Evidently, the whole incident arose out of a road rage. Learned counsel for the petitioner submitted that subsequently by a

report dated 09.04.2015, offence under Section 326 of the IPC was deleted. There is nothing to show that the injured had sustained any grievous injury. It is also submitted that by another seizure mahazar, RC book and key of the vehicle were recovered. On the other hand, petitioner herein has got a case that he was attacked and seriously injured by the de facto complainant. To substantiate it, learned counsel relied on Annexure-I to Annexure-III. Annexure-1 shows that he was admitted in the Taluk hospital on the same day with bleeding due to alleged assault. Annexure-III indicates that he was thereafter referred to another hospital for expert management on 06.02.2015 and discharged on 09.02.2015. Pursuant to this, a counter case has also been registered as Crime No.169 of 2015 of the same Police Station for offences punishable under Sections 294 (b), 341, 324, 308 and 506(i) r/w Section 34 of the Indian Penal Code.

5. In the above scenario, wherein the petitioner himself has sustained serious injuries, I feel that this is a fit case in which the benefit of pre-arrest bail can be granted, especially because recovery has been effected and no previous enmity is involved in this case.

The application is allowed as follows:

- (i) Petitioner herein shall appear before the Investigating Officer on 23.07.2015 between

9 a.m. and 10 a.m. and offer himself for interrogation. After interrogation, in the event of his arrest, he shall be released on bail on he executing a bond for Rs.30,000/- (Rupees thirty thousand only) with two sureties for the like sum each.

(ii) Applicants shall not interfere in the process of investigation, threaten, coerce or intimidate the witnesses.

(iii) Applicants shall appear before the Investigating Officer as and when called for.

Sd/-

SUNIL THOMAS
Judge

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