

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

FRIDAY, THE 17TH DAY OF JULY 2015/26TH ASHADHA, 1937

Bail Appl..No. 1946 of 2015 ()

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CRIME NO. 305/2015 OF THRIKKUNNAPPUZHA POLICE STATION,
ALAPPUZHA DISTRICT.**

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PETITIONER/ACCUSED NO.1:

**PREJITH, AGED 25 YEARS,
S/O.PRAKASAN, PRASANNA BHAVANAM,
KIZHAKKEKARA THEKKUM MURI, MAHADEVIKAD P.O.,
KARTHIKAPPILLY VILLAGE, ALAPPUZHA DISTRICT.**

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

RESPONDENTS/STATE:

- 1. STATE OF KERALA,
REP. BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM - 682 031,
(CRIME NO.305/2015 OF THRIKKUNNAPPUZHA POLICE STATION,
ALAPPUZHA DISTRICT).**
- 2. STATION HOUSE OFFICER,
THRIKKUNNAPPUZHA POLICE STATION,
ALAPPUZHA DISTRICT - 690 515,
(CRIME NO.305/2015 OF THRIKKUNNAPPUZHA POLICE STATION,
ALAPPUZHA DISTRICT).**

BY PUBLIC PROSECUTOR SRI.V.S. SREEJITH.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 17-07-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

rs.

K. ABRAHAM MATHEW, J.

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B.A.No. 1946 of 2015

Dated this the 17th day of July, 2015

ORDER

Petition filed under Section 438 Cr.P.C.

2. Petitioner is alleged to have committed the offences under Sections 294(b), 323, 324, 332 and 307 read with Section 34 of the Indian Penal Code, 1860. The prosecution case is that the petitioner and the co-accused abused the first informant, Assistant Sub Inspector of Police near the premises of a temple where a festival was going on. The petitioner and the co-accused assaulted him with iron pipes and sticks causing injuries to two Police Officers.

3. Heard.

4. Two Police Officers sustained abrasions. But the accused have been charged with having committed the offence under Section 307 IPC.

5. Learned counsel submits that there is no allegation that the petitioner used any deadly weapon. The nature of the injuries sustained by the Police Officers also supports this version

according to the learned counsel. Having regard to the facts of the case, it appears that custodial interrogation of the petitioner is not necessary.

In the result, this application is allowed.

- 1)The petitioner shall be released on bail 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)The petitioner shall surrender his passport before the lower court concerned or if he does not have one, he shall file an affidavit to that effect within five days of his release.*
- 3)He shall not leave India without the previous permission of the court of enquiry or trial court as the case may be.*
- 4)He shall appear before the Investigating Officer for interrogation if he is so required by him in writing.*
- 5)He shall not intimidate or attempt to influence the witnesses.*
- 6)He shall not destroy or tamper with evidence.*
- 7)He shall not get himself involved in any other criminal case while he is on bail.*

If the petitioner surrenders before the Magistrate this order is not applicable and the learned Magistrate may pass appropriate orders.

B.A.No. 1946 of 2015

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

Sd/-

**K. ABRAHAM MATHEW,
JUDGE**

DST

//True copy//

P.A. To Judge