

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

THURSDAY, THE 23RD DAY OF JULY 2015/1ST SRAVANA, 1937

Bail Appl..No. 2173 of 2015 ()

AGAINST THE ORDER IN CRMC 649/2014 of THE SESSIONS
COURT, THODUPUZHA DATED 18-12-2014
CRIME NO. 588/2014 OF SANTHANPARA POLICE STATION , IDUKKI

PETITIONER(S)/PETITIONER/ACCUSED:

KARUPPASWAMY, AGED 28 YEARS
S/O VELAN, MUTHALVAN COLONY, KARUPPASWAMY KOVIL STREET
J.K.PETTY, CHOKKANATHAPURAM KARA, BODY TALUK
THENI DISTRICT, TAMILNADU, PIN:625513.

BY ADVS.SRI.P.K.VARGHESE
SRI.N.K.SHYJU

RESPONDENT(S)/RESPONDENT/COMPLAINANT:

STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM-682031.

BY PUBLIC PROSECUTOR SMT.REMA.R

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 23-07-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

dlk

K. ABRAHAM MATHEW, J.

B.A. No.2173 of 2015

Dated this the 23rd day of July, 2015

O R D E R

Petition filed under Section 438 Cr.P.C.

2. Petitioner is alleged to have committed the offences under Sections 279, 337, 338 read with Section 304 of the Indian Penal Code.

3. The prosecution case is that he drove a jeep along a public road in a recklessness and negligent manner, as a result of which it overturned causing death of the some of the passengers in it.

4. Heard.

5. The specific allegation of the prosecution is that it was the over speed of the vehicle that caused the death. Recklessness and negligence are alleged on the part of the petitioner. It is doubtful whether Section 304 IPC is attracted. It may be ascertained in the investigation. But having regard to the facts of the case 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.50,000/- (Rupees Fifty 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 between 10 a.m to 11 a.m alternate Wednesdays for four months or till the final report is filed whichever is earlier.

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 evidence.

6. He 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.

7. He shall not leave India without the previous permission of the court of enquiry or trial court as the case may be.

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