

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.RAMAKRISHNAN

TUESDAY, THE 28TH DAY OF APRIL 2015/8TH VAISAKHA, 1937

Bail Appl..No. 2186 of 2015 ()

AGAINST THE ORDER IN CMP 2100/2015 of J.M.F.C.,PAYYANNUR
DATED 06-04-2015

CRIME NO. 483/2015 OF PAYYANNUR POLICE STATION , KANNUR

PETITIONER(S)/ACCUSED NO.1:

SINEESH, AGED 26 YEARS,
S/O. OUSEPH, COOLI, CHITTAYIL HOUSE,
RAMANTHALI AMSOM, EZHIMALA, KANNUR DISTRICT

BY ADVS.SRI.GRASHIOUS KURIAKOSE (SR.)
SRI.M.M.ANTO
SRI.GEORGE MATHEWS

RESPONDENT/COMPLAINANT:

STATE OF KERALA
STATION HOUSE OFFICER, PAYYANNUR POLICE STATION,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM

BY PUBLIC PROSECUTOR SMT. R. REMA

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
28-04-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K. RAMAKRISHNAN, J.

.....
B.ANo.2186 of 2015
.....

Dated this the 28th day of April, 2015.

O R D E R

The first accused in Crime No.483/2015 of Payyannur police station has filed this application for regular bail under section 439 of the Code of Criminal Procedure.

2. The case of the prosecution in nutshell was that on 5.4.2015 at about 1 a.m at a place called Ramanthali amsom, Ezhimala, the accused persons wrongfully restrained the defacto complainant and his daughter, beaten them with stick and pulled the churidar worn by CW1 and outraged her modesty and thereby they have committed the offences punishable under sections 341, 323, 324, 354, 308 and 506 read with section 34 of the Indian Penal Code.

3. Heard the counsel for the petitioner, the learned Public Prosecutor and perused the case diary file.

4. The counsel for the petitioner submitted that the petitioner has not committed any offence and he is innocent of the same. The allegations are not sufficient to attract any of the offences alleged. He is in jail from 6.4.2015 onwards.

5. The application was opposed by the Public Prosecutor on the ground that the second accused is yet to be arrested and investigation is in preliminary stage.

6. It is seen from the case diary file that the above case was registered on the basis of the statement given by the defacto complainant/victim against the petitioner and another alleging commission of the above said offences. The O.P ticket shows that there was no serious injury on the body of the injured. However, the present petitioner was arrested on 6.4.2015 and he is in jail from that day onwards. There is no allegation against the present petitioner that he has used any weapon. I am not at this stage going into the question as to whether the allegations are sufficient to attract the offences under sections 354, 308 or 324 of the Indian Penal Code. Considering the nature of allegations made, custody of the petitioner is not required any more in connection with the investigation. The Public Prosecutor had no case that the petitioner has got any criminal background as well. Considering the circumstances, this Court feels that bail can be granted to the petitioner with some stringent conditions. So, the application is allowed with the following conditions.

i. The petitioner shall be released on bail on executing a bond for Rs.50,000/- with two solvent sureties for the like sum each to the satisfaction of the Judicial First Magistrate Court, Payyannur.

ii. The petitioner shall appear before the investigating officer on the last Saturday of every month between 9 a.m and 10 a.m till the final report is filed.

iii. The petitioner shall appear before the investigating officer for the purpose of interrogation in connection with the above crime as and when required in writing to do so till the final report is filed.

iv. The petitioner shall not intimidate or influence the witnesses.

v. The petitioner shall not leave Kerala State without getting prior permission either from the Judicial First Magistrate Court, Payyannur or from the court to which the case will be committed for trial till the disposal of the case.

With the above conditions, this application is allowed.

Sd/-
K. RAMAKRISHNAN, JUDGE.

Cl

/true copy/

P.S to Judge

