

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.RAMAKRISHNAN

TUESDAY, THE 5TH DAY OF MAY 2015/15TH VAISAKHA, 1937

Bail Appl..No. 2240 of 2015 ()

AGAINST THE ORDER IN CRL.MP 2188/2015 of J.M.F.C-I,RANNI
CRIME NO. 230/2015 OF PERUNAD POLICE STATION, PATHANAMTITTA

PETITIONER/ACCUSED:

MANOJ KUMAR, AGED 45 YEARS,
S/O.SREEDHARAN NAIR, KALAYIL HOUSE,
BOUNDARY MURI & VADASSERIKKARA VILLAGE,
RANNI TALUK, PATHANAMTHITTA DISTRICT

BY ADV. SRI.V.SETHUNATH

RESPONDENTS/COMPLAINANT/STATE:

1. SUB INSPECTOR, PERUNAD POLICE STATION.
PATHANAMTHITTA DIST.

2. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM

R2 BY PUBLIC PROSECUTOR SMT.HYMA

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
05-05-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K. RAMAKRISHNAN, J.

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B.ANo.2240 of 2015
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Dated this the 5th day of May, 2015.

O R D E R

The accused in Crime No.230/2015 of Perunad 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 23.1.2015 at about 2.30 p.m the petitioner with an intention to murder the defacto complainant, inflicted grave injuries on him with an iron rod and caused dislocation of two teeth and fracture of ribs and thereby he had committed the offences punishable under sections 326, and 307 of the Indian Penal Code.

3. Heard the learned counsel for the petitioner, Sri.Manoranjan representing Sri. Sethunath and the learned Public Prosecutor, Smt. Hyma and perused the records.

4. The counsel for the petitioner submitted that the petitioner has not committed any offence and in fact the defacto complainant came to his house and when he attempted to beat his wife, the petitioner prevented the same, in which the

defacto complainant sustained some injuries and another crime was registered as Crime No.280/2015 against the defacto complainant alleging commission of offence under section 354 of the Indian Penal Code on the basis of a complaint given by his wife. In order to escape from the same, the present case has been foisted against him. He is in jail from 10.4.2015 onwards.

5. The application was opposed by the Public Prosecutor on the ground that investigation is not over and serious injury has been sustained to the injured.

6. It is seen from the records that the above crime was registered on the basis of the statement given by the defacto complainant/injured against the petitioner alleging commission of the above said offence. Even going by the First Information Statement it is seen that the incident occurred within the property of the petitioner. It is also seen from the allegation in the petition that on the basis of the private complaint filed by the wife of the petitioner against the defacto complainant, which was forwarded to the police for investigation under section 156(3) of the Code of Criminal Procedure, a crime was registered as crime No.280/2015 under section 354 of the

Indian Penal Code and investigation is in progress in that case also. I am not at this stage going into the genuineness of the allegations made in the petition or in the First Information Statement as it is a matter to be considered by the trial court after appreciating evidence. Further the weapon alleged to have been used for the commission of the offence has been recovered. There is no necessity for further custody of the petitioner in connection with the investigation. The apprehension of the Public Prosecutor that if the petitioner is released on bail, he is likely to threaten the witnesses can be removed by imposing some stringent conditions. So the application is allowed with the following conditions:

i. The petitioner shall be released on bail on 11.5.2015 on executing a bond for Rs.50,000/- with two solvent sureties for the like sum each to the satisfaction of the Judicial First Class Magistrate Court-I, Ranni.

ii. The petitioner shall appear before the investigating officer 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 enter the jurisdiction of Perunad police station except for the purpose of complying conditions 2 and 3 without getting prior permission from the Judicial First Magistrate Court-I, Ranni till the final report is filed.

v. The petitioner shall surrender his passport, if any, before the Judicial First Magistrate Court-I, Ranni within one week from the date of release or if he is not having any passport, file an affidavit to that effect before that court within that time.

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

vii. The petitioner shall not leave State of Kerala without getting prior permission either from the Judicial First Magistrate Court-I, Ranni 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.

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/true copy/

P.S to Judge

