

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. 2362 of 2015 ()

AGAINST THE ORDER IN CMP 2860/2015 of J.M.F.C.-II, SULTHANBATHERY DATED
21-04-2015

CRIME NO. 394/2015 OF S.BATTERY POLICE STATION, WAYANAD

PETITIONER/ACCUSED:

V.D.JOSE @ BABU, AGED 44 YEARS,
S/O.DEVASSYA, VATTAKUNNEL HOUSE, VALLUVADI POST,
KULAATHOORKUNNU, KIDANGANADU AMSOM, WAYANAD DISTRICT.

BY ADV. SRI.T.A.UNNIKRISHNAN

RESPONDENT/COMPLAINANT:

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

BY PUBLIC PROSECUTOR SRI. GITHESH R.

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

K. RAMAKRISHNAN, J.

.....
B.ANo.2362 of 2015
.....

Dated this the 5th day of May, 2015.

O R D E R

This is an application filed by the accused in Crime No.394/2015 of Sulthan Bathery police station for regular bail under section 439 of the Code of Criminal Procedure.

2. The case of the prosecution in nutshell was that on 7.4.2015 (wrongly shown as 17.4.2015 in the earlier part of the order of the lower Court) at about 1 a.m the accused with the knowledge that it is likely to cause death of persons crossing through the property, placed live electric wire in his agricultural land and the deceased came into contact with the live wire, got electrocuted and died and the petitioner removed the dead body and electric wires from the place and thereby he had committed the offence punishable under sections 304 and 201 of the Indian Penal Code.

3. Heard Sri. Unnikirshnan, the learned counsel for the petitioner and the learned Public Prosecutor, Sri. Githesh. 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. Even if the entire allegations are accepted, no offence under section 304 of the Indian Penal Code is attracted and it may at the most amount to an offence under section 304 A of the Indian Penal Code. He is in jail from 20.4.2015 onwards.

5. The application was opposed by the Public Prosecutor. Perused the records.

6. The case was originally registered for unnatural death when the death was informed and thereafter it was revealed that offences under sections 304 and 201 of the Indian Penal Code and section 135(a) of the Electricity Act were committed and it was done by the petitioner and so he was implicated as accused and above penal provisions were incorporated. Major portion of the investigation is over and most of the witnesses have been questioned and their statements have been recorded. Further, the articles used for alleged commission of the offence have been recovered as well. Custody of the petitioner is not required any more in connection with the investigation. Under the circumstances, this Court feels that bail can be granted to the petitioner with 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.25,000/- with two solvent sureties for the like sum each to the satisfaction of the Judicial First Class Magistrate Court-II, Sulthan Bathery.

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 influence or intimidate the witnesses.

v. The petitioner shall not leave Wayanad district without getting prior permission from the Judicial First Class Magistrate Court-II, Sulthan Bathery 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