

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.SUDHEENDRA KUMAR

FRIDAY, THE 26TH DAY OF JUNE 2015/5TH ASHADHA, 1937

Bail Appl..No. 2406 of 2015

**CRIME NO. 284/2015 OF THENHIPALAM POLICE STATION,
MALAPPURAM DISTRICT**

PETITIONER(S)/1ST ACCUSED:

**V.BHARATHAN, AGED 63 YEARS,
S/O.AYYAPPAN, MUTHIRAPARAMBIL HOUSE, TENHIPALAM,
MALAPPURAM DISTRICT.**

BY ADV. SRI.K.P.SUDHEER

RESPONDENT(S)/COMPLAINANT :

**STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM,
REPRESENTING SUB INSPECTOR OF POLICE,
TENHIPALAM POLICE STATION, TENHIPALAM- 673 636,
MALAPPURAM DISTRICT.**

BY PUBLIC PROSECUTOR SRI.N.SURESH

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 26-06-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

Msd.

B.SUDHEENDRA KUMAR, J.

Bail Application No.2406 of 2015

Dated this the 26th day of June 2015

O R D E R

The petitioner is the first accused in Crime No.284/2015 of Tenhipalam Police Station registered under Sections 143, 147, 448, 341, 323, 353 and 332 of I.P.C. and Section 3(1) of Prevention of Damage to Public Property Act.

2. The prosecution allegation is that the petitioner and the other accused trespassed into the office of the *defacto complainant*, who was the Secretary of Tenhipalam Grama Panchayat, and assaulted him with hands and thereby

deterred the *defacto complainant* from discharging his official duty. It is further alleged that the accused caused a loss to the tune of Rs.10,000/- to the Panchayat by causing damage to the doors and windows of the office of the *defacto complainant*. The petitioner has filed this application praying for the relief under Section 438 Cr.P.C.

3. Heard.

4. The learned Public Prosecutor has no serious objection in allowing the application. It has been submitted by the learned Public Prosecutor that the other accused in the crime had been already granted the relief under Section 438 Cr.P.C. by the sessions court. It has been further submitted by the learned Public Prosecutor that the petitioner is not involved in any other offence.

Considering the facts and circumstances of the case, including the fact that the petitioner is a first-time offender, I am inclined to grant the relief under Section 438 Cr.P.C. in favour of the petitioner.

In the result, this application stands allowed and the respondent is directed to release the petitioner on bail in the event of his arrest in connection with Crime No.284/2015 of Tenhipalam Police Station on condition of the petitioner executing a bond for Rs.30,000/- (Rupees thirty thousand only) with two solvent sureties, each for the like sum to the satisfaction of the Sub Inspector of Police, Tenhipalam police station, before whom the petitioner shall surrender within ten days from today and subject to the following conditions:-

(i) The petitioner shall deposit an amount of Rs.5,000/-before the Sub Inspector of Police at the time of surrender.

(ii) The petitioner shall report before the Investigating Officer on every Monday between 9 a.m. and 11 a.m. for six months and thereafter, as and when required by the Investigating Officer for interrogation.

(iii) The petitioner shall not enter into the jurisdiction of Tenhipalam police station for three months without the leave of the learned Magistrate, except for the purpose of reporting before the Investigating Officer, as directed above.

(iv) The petitioner shall not intimidate or

influence the witnesses or in any way tamper with the investigation.

(v) The petitioner shall not get involved in any offence while on bail.

In the event of the petitioner depositing the amount as directed above, the Sub Inspector concerned shall deposit the said amount before the jurisdictional Magistrate on the date of deposit itself.

**B.SUDHEENDRA KUMAR,
JUDGE**

dl