

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

TUESDAY, THE 7TH DAY OF JULY 2015/16TH ASHADHA, 1937

Bail Appl..No. 2567 of 2015 ()

CRIME NO. 190/2015 OF NALLALAM POLICE STATION, KOZHIKODE DISTRICT

PETITIONER/ACCUSED NO.6 :

**VIJEESH K.M.,
S/O.VELAYUDHAN, AGED 27 YEARS
KANDANTHODIMEETHAL HOUSE
PANTHEERANKAVU P.O.,
PERUMANNA AMSOM DESOM
KOZHIKODE TALUK.**

BY ADV. SRI.SUNNY MATHEW

RESPONDENTS/COMPLAINANT & STATE :

- 1. THE SUB INSPECTOR OF POLICE,
NALLALAM POLICE STATION,
KOZHIKODE DISTRICT – 673 001.**
- 2. STATE OF KERALA,
(RESPONDENTS 1 AND 2 REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM- 682 031)**

R1 & R2 BY PUBLIC PROSECUTOR SRI. SREEJITH V.S.

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

Mn

K. ABRAHAM MATHEW, J.

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B.A.No. 2567 of 2015

Dated this the 7th day of July, 2015

ORDER

Petition filed under Sec.438 Cr.P.C.

2. The petitioner is alleged to have committed the offences under Secs.143, 144, 147, 148, 341,323, 324, 332, 333, 326, 308 and 294(b) read with Sec.149 of Indian Penal Code. The prosecution case is that when police personnel led by the Sub Inspector went to the place of occurrence on getting information that certain people were creating problems under the influence of alcohol, the petitioner and the co-accused armed with weapons like reapers wrongfully restrained the Police personnel, assaulted them and prevented them from discharging their duties.

3. Heard both sides.

4. Learned counsel submits that the petitioner is not involved in the incident and the allegations against him are false.

5. The Police arrested two persons from the place of occurrence. In the First Information Report it is stated that the other persons ran away. But the petitioner's name finds a place in the First Information Report. It is not known how his identity was established when the First Information Report was prepared. The

prosecution has no case that it was the petitioner who cause fracture to the victim by assaulting him with a reaper.

Having regard to these facts, I am inclined to grant the prayer.

In the result, the bail application is allowed.

- 1) The petitioner shall be released on bail after interrogation on his executing a bond for Rs.25,000/- (Rupees Twenty five 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 for interrogation if he is so required by him in writing.*
- 3) He shall not destroy or tamper with evidence.*

In case of violation of any of the above conditions, the learned Magistrate is empowered to cancel the bail in accordance with the law.

Sd/-
K. ABRAHAM MATHEW,
JUDGE

DST

//True copy//

P.A. To Judge