

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE SUNIL THOMAS

FRIDAY, THE 10TH DAY OF JULY 2015/19TH ASHADHA, 1937

Bail Appl..No. 2961 of 2015 ()

**CRIME NO. 699/2015 OF KUNNATHUNADU POLICE STATION,
ERNAKULAM DISTRICT**

PETITIONER/ACCUSED :

**PRINCE VARGHESE, AGED 44 YEARS,
S/O.VARGHESE, MADATHUMPADI HOUSE, CHURAKKODU KARA,
PATTIMATTOM P. O., PATTIMATTOM VILLAGE, ERNAKULAM**

**BY ADVS.SRI.S.RAJEEV
SRI.K.K.DHEERENDRAKRISHNAN
SRI.V.VINAY**

RESPONDENTS/STATE :

- 1. STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM 682031
CRIME NO 699/2015 OF KUNNATHUNADU POLICE STATION,
ERNAKULAM DISTRICT)**
- 2. STATION HOUSE OFFICER,
KUNNATHUNADU POLICE STATION,
ERNAKULAM DISTRICT - 683562
(CRIME NO 699/2015 OF KUNNATHUNADU POLICE STATION,
ERNAKULAM DIST)**

R1 & R2 BY PUBLIC PROSECUTOR SMT. LISHA M.G.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 10-07-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

bp

SUNIL THOMAS, J.

B.A. No. 2961 of 2015

Dated this the 10th day of July, 2015

O R D E R

This application for Anticipatory Bail is filed by sole accused in Crime No. 699/2015 of Kunnathunadu Police Station for alleged offence punishable under section 324 and 326 I.P.C.

2. The allegation of the prosecution is that on 04.05.2015, the petitioner who was driving a car, hit the vehicle on the de facto complainant intentionally, to cause bodily injuries or with the intention of committing a crime. The de facto complainant allegedly fell down and sustained injury. According to him, there was a loss of tooth also. Hence S.326 of I.P.C was incorporated. Based on the complaint laid crime was registered and police is investigating. The application for pre arrest bail is submitted in the above circumstances.

3. Heard the learned counsel for the petitioner and the learned Public Prosecutor who on instructions submitted that Section 326 has been deleted and now Section 308 has been added.

4. The learned counsel for the petitioner vehemently contended that the prosecution case is unbelievable, false and it was also set up to counter the attack made by the de facto complainant, on the mother of the accused. To substantiate it, the counsel relied on a complaint dated 05.05.2015 submitted to the District Police Chief.

5. I am not inclined prima facie rely of the above document, which is submitted to have been filed on the next day of alleged incident and not supported by any receipt. Further, even though the complainant there in claims that she sustained injury and had undergone treatment at Kolencherry Medical Mission Hospital, there is no supporting documentary proof.

6. However, it has been taken note that the complainant and accused are close relatives. Even from the version of the de facto complainant there does not appear to be any serious dispute between them. As evident from the FIR, the incident happened when the de facto complainant himself proceeded towards the car of the accused. Hence, apparently it appears to be a chance meeting while the accused was driving the vehicle. It was allegedly at that point of time the de facto complainant proceeded towards the car and caused injury by the accused. Even otherwise, whether he had an intention to cause bodily injuries to the de facto complainant is a matter to be established in the investigation. A custodial interrogation of the accused is not warranted in that case.

Hence, I am inclined to grant bail to the petitioner subject to the following conditions:

- a) The petitioner shall appear before the Investigating Officer on 21.07.2015 between 9 a.m

and 10 a.m. and shall undergo interrogation. Thereafter, if the Investigating Officer propose to arrest him, he shall released on bail on executing a bond for a sum of Rs.30,000/- (Rupees Thirty Thousand Only) with two sureties for the like sum each.

- b)The petitioner shall co-operate with the investigation, which includes the production of the car which is allegedly involved in the accident and the documents relating to the vehicle, if such a demand is made by the Investigating Officer.
- c) The petitioner shall not in any manner interfere with the investigation, threaten, coerce or intimidate the defacto complainant and her relatives.

Sd/-
SUNIL THOMAS
JUDGE