

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE RAJA VIJAYARAGHAVAN V

THURSDAY, THE 18TH DAY OF JUNE 2015/28TH JYAISHTA, 1937

Bail Appl..No. 3029 of 2015 ()

CRIME NO. 465/2015 OF KADAKKAL POLICE STATION, KOLLAM

PETITIONER/2ND ACCUSED :

**VISHNU, AGED 26 YEARS
S/O.VAMADEVAN NAIR, RESIDING AT VISHNU VILASAM,
CHANNAPPARA P.O., MANALUVATTOM, KOTTARAKKARA TALUK,
KOLLAM DIST.**

**BY ADVS.SRI.JOHNSON GOMEZ
SRI.S.BIJU (KIZHAKKANELA)**

RESPONDENT :

**THE STATE OF KERALA
REPRESENTED THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA AT ERNAKULAM
THROUGH THE SUB INSPECTOR OF POLICE,
KADAKKAL POLICE STATION, KOLLAM DISTRICT.**

BY PUBLIC PROSECUTOR SRI.M.S. MADHUBEN

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 18-06-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

bp

RAJA VIJAYARAGHAVAN.V. J

B.A. 3029/2015

Dated 18th June, 2015

ORDER

1. This application seeking anticipatory has been preferred by the 2nd accused in Crime No.465 of 2015 of the Kadakkal police station, Kollam. The said crime is registered for the offense punishable under Sections 294B, 452, 324, 427, 506(ii) r/w Section 34 IPC.

2. The prosecution case is that the defacto complainant used to persistently abuse the mother of the 1st accused and they were in inimical terms owing to the same . On the date of incident , when the defacto complainant verbally abused the mother of the 1st accused, the 1st accused along with the petitioner and another person trespassed into the shop room of the defacto complainant on 15.4.2015 at about 7.30 pm and after abusing him, the 1st accused is alleged to have inflicted an injury on his face by a 'nanchak' after dragging out the defacto complainant from the shop. The

petitioner is alleged to have actively assisted the 1st accused to carry out this act.

3. I have heard the learned counsel for the petitioner as well as the learned Public Prosecutor.

4. The learned counsel for the petitioner would submit relying on the first information statement that the over act is alleged specifically against the 1st accused. It is also pointed out that the only allegation against the 2nd accused is that he had assisted the 1st accused in dragging out the defacto complainant from the shop.

5. In view of the gravity and nature of allegations and also considering the facts and circumstances of the instant case, this Court is of the view that the custodial interrogation of the petitioner is not warranted. In the light of the above, I am inclined to allow the application subject to the following conditions:-

1. The petitioner, in the event of his arrest, shall be released on bail on his executing a bond for Rs.25,000/- (Fifty thousand only) with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate concerned.
2. He shall surrender his passport before the learned Magistrate and in case he is not holding any passport, he shall file an affidavit stating so, within five days of his release.
3. He shall not leave India without the previous permission of the jurisdictional court.
4. The petitioner shall cooperate with the investigation and shall appear before the investigating officer between 10 a.m and 11 a.m on every saturday for 3 months, or till the final report is filed, whichever is earlier.
5. He shall not threaten or attempt to influence the witnesses and shall not get involved in any criminal case while on bail .

6. He shall in no event tamper or attempt to tamper with the evidence nor shall he hamper the investigation.

Violation of any of the above conditions will entitle the jurisdictional Court to cancel the bail in accordance with the law.

Sd/-

RAJA VIJAYARAGHAVAN.V.
Judge

MrCs

//True Copy//

P.S.ToJudge