

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.HARILAL

FRIDAY, THE 19TH DAY OF JUNE 2015/29TH JYAISHTA, 1937

Bail Appl..No. 3356 of 2015

CRIME NO. 104/2015 OF THOTTILPALAM POLICE STATION , KOZHIKODE

PETITIONER/ACCUSED:

**SATISH E.C, AGED 34 YEARS,
S/O. NANU, EDAPALLY CHIRAYIL HOUSE, KUNNUMMAL AMSOM
PARIPATTA DESOM, KOZHIKODE DISTRICT.**

BY ADV. SRI.SUNNY MATHEW

RESPONDENTS/COMPLAINANT & STATE:

- 1. SUB INSPECTOR OF POLICE,
THOTTILPALAM POLICE STATION 673 002.**
- 2. STATE OF KERALA,
(RESPONDENTS 1 & 2 REPRESENTED BY
THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,
ERNAKULAM, COCHIN 682 031).**

BY PUBLIC PROSECUTOR SRI.V.S.SREEJITH

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 19-06-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

PJ

K. HARILAL, J.

B.A. No.3356 of 2015

Dated this the 19th day of June, 2015

ORDER

This is an application for anticipatory bail filed under Section 438 of the Code of Criminal Procedure.

2. The petitioner is the second accused in Crime No.104 of 2015 of Kuttiadi Police Station, registered alleging the commission of offences punishable under Sections 341, 323, 234(b), 506(i), 326 and 308 read with Section 34 of the Indian Penal Code.

3. The allegation against the petitioner is that on 30.04.2015 at about 10.30 p.m, when the defacto complainant was returning home after attending the marriage of the daughter of his friend, both the accused came there on a motor bike, restrained the defacto complainant, abused him in filthy language and the first accused took a granite stone lying on the road and hit on the defacto complainant on his face with the same. The second accused also abused him and beat him with his hands and also kicked him. The further allegation is that the hitting on the head with the stone by the first accused,

if not warded off, the same would have fell on his head and he would have died.

4. The learned counsel for the petitioner submits that the petitioner is falsely implicated in the offences and he is innocent of the allegations levelled against him. First accused was arrested and released on bail. So also recovery of the weapons was effected. So custodial interrogation is not necessary for further investigation.

5. The learned Public prosecutor on instructions submits that the petitioner is the second accused in the above crime and the allegations against him is that he abused the defacto complainant and beat him with his hands and also kicked him. The prosecutor also submits that the first accused was arrested and he was released on bail.

6. Having regard to the facts and circumstances of the case and the present stage of the investigation I find that the application can be allowed on stringent conditions. Consequently this petition is allowed as follows:-

i). The petitioner shall surrender before the investigating officer on or before 26.06.2015, and after

interrogation shall produce the petitioner before the Judicial First Class Magistrate Court, concerned on the same day which court on application being moved by the petitioner shall release him on bail on his executing a bond for Rs.50,000/- (Rupees Fifty thousand only) with solvent sureties each for the like sum to the satisfaction of the Judicial First Class Magistrate, concerned.

ii). The petitioner shall appear before the investigating officer for interrogation as and when required by him.

iii). The petitioner shall not tamper or attempt to tamper with the evidence or influence or try to influence the witnesses who are acquainted with facts and circumstances of the case.

If any of the condition is violated, bail granted shall stand cancelled and the Judicial First Class Magistrate concerned on being satisfied of the said facts, may take such proceedings as are available to him in law.

sd/-
K. HARILAL,
JUDGE

R.AV

//True Copy//

PA to Judge