

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

WEDNESDAY, THE 8TH DAY OF JULY 2015/17TH ASHADHA, 1937

Bail Appl..No. 3771 of 2015 ()

CRIME NO. 559/2015 OF CHERPULASSERY POLICE STATION, PALAKKAD DISTRICT

PETITIONER :

**RAJAN, AGED 36 YEARS
S/O.LATE KORAN, PUTHAN VALIYATHODI HOUSE
AMBEDKAR GRAMAM, NELLAYA POST,
PALAKKAD-679335.**

BY ADV. SRI.P.JAYARAM

RESPONDENT :

**STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM.**

BY PUBLIC PROSECUTOR SMT. R. REMA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 08-07-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Mn

K. ABRAHAM MATHEW, J.

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B.A.No. 3771 of 2015

Dated this the 8th day of July, 2015

O R D E R

Petition filed under Section 438 Cr.P.C.

2. Petitioner is alleged to have committed the offences under Sections 308 and 326 IPC. The prosecution case is that he attacked the first informant with a hammer, causing fracture of his skull.

3. Heard.

4. It is an admitted fact that there was previous enmity between the petitioner and the first informant. There was an allegation that the petitioner used to abuse the first informant's wife. Going by the prosecution case, the first informant and a few others went to the house of the petitioner to question him about the incident. The incident allegedly happened in front of the house of the petitioner. The petitioner was alone. But in the opposite group, there were several persons. The Police have registered a counter case against the first informant and others.

5. It is in this context, the submission of the learned counsel that the petitioner is at least entitled to the benefit of

private defence. That may or may not be correct. But, having regard to the fact that the occurrence took place in front of the house of the petitioner and he was alone and there were several persons in the company of the first informant, I am inclined to grant anticipatory bail to the petitioner.

In the result, this application is allowed.

- 1)The petitioner shall be released on bail 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)The petitioner shall surrender his passport before the lower concerned or if he does not have one, he shall file an affidavit to that effect within five days of his release.*
- 3)He shall not leave India without the previous permission of the court of enquiry or trial court, as the case may be.*
- 4)He shall appear before the Investigating Officer between 10 a.m. and 11 a.m. on every Wednesday for three months or till the final report is filed, whichever is earlier.*
- 5)He shall not destroy or tamper with evidence.*
- 6)He shall not get himself involved in any other criminal case while he is on bail.*

If the petitioner surrender before the Magistrate this order is not applicable and the learned Magistrate may pass appropriate orders.

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