

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

MONDAY, THE 13TH DAY OF JULY 2015/22ND ASHADHA, 1937

Bail Appl..No. 3963 of 2015

CRIME NO. 838/2015 OF CANTONMENT POLICE STATION , THIRUVANANTHAPURAM

PETITIONER(S)/ACCUSED:

**ANOJ ANTONY, AGED 26 YEARS,
S/O.ANTONY, MUTTAMTHOTTIL HOUSE,
MALAYIDAMTHURUTH PO,
PIN- 683 561, ERNAKULAM DISTRICT.**

**BY ADVS.SRI.ALAN PAPALI
SRI.SOJAN MICHEAL
SRI.J.VIMAL
SRI.NISHIL.P.S.**

RESPONDENT(S)/COMPLAINANT:

**STATE OF KERALA,
(CRIME NO.838/2015 OF CONTONMENT POLICE STATION),
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM, KOCHI 682 031.**

BY PUBLIC PROSECUTOR SMT.REMA. R.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 13-07-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

PJ

K. ABRAHAM MATHEW, J.

B.A. No.3963 of 2015

Dated this the 13th day of July 2015

ORDER

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

2. Petitioner is accused in Crime No.838 of 2015 of Cantonment Police station, Thiruvananthapuram city registered for the offences under Secs.294(b), 323, 324 and 332 read with Sec.34 of the Indian Penal Code. The prosecution case is that after closing down the business for the day, at the beverages corporation outlet, he insisted on selling liquor to him. On getting information about the incident, a Civil Police officer went to spot. The petitioner and the co- accused attacked him and left the place on a motorbike. The Civil Police officer along with the colleague followed them. On the way, the petitioner and the co-accused assaulted the Civil Police officer with a beer bottle causing injuries on his head. They also assaulted him with hands.

3. Heard both sides.

4. Learned counsel submits that the allegations

are false. According to him, the basis of the prosecution case is that the petitioner made commotion at the outlet of the beverages corporation because he did not get liquor as it was closed and it is unbelievable that he had a beer bottle with him.

5. It is true that there are some discrepancies in the prosecution case. At the same time, medical evidence proves that the victim sustained a lacerated wound. But the nature of the case is not such that detention of the petitioner is necessary for effective investigation.

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.50,000/- (Rupees fifty 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 appear before the investigating officer between 10.00 a.m and

11.00 a.m. on everyday for 5 days.

3. The petitioner shall not destroy or tamper with evidence.

4. The petitioner shall not intimidate or attempt to influence the witnesses.

5. The petitioner shall not get himself involved in any other criminal case.

6. The petitioner shall co-operate with the investigation.

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

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

Sd/-
K. ABRAHAM MATHEW
JUDGE

/ True Copy /

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P.A. To Judge