

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE SUNIL THOMAS

MONDAY, THE 27TH DAY OF JULY 2015/5TH SRAVANA, 1937

Bail Appl..No. 4287 of 2015

**CRIME NO. 612/2015 OF MANGALAPURAM POLICE STATION ,
THIRUVANANTHAPURAM DISTRICT**

PETITIONER(S)/ACCUSED :

**BAIJU, AGED 41 YEARS,
S/O.JAYADEVAN, SUJA BHAVAN, MANGALAPURAM,
THONAKKAL P.O., THIRUVANANTHAPURAM DISTRICT.**

BY ADV. SRI.P.ANOOP (MULAVANA)

RESPONDENT(S) :

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

BY SR. PUBLIC PROSECUTOR SRI.C.RASHEED

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 27-07-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

Msd.

SUNIL THOMAS, J.

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B.A.No.4287 of 2015

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Dated this the 27th day of July, 2015

ORDER

This application for pre-arrest bail is submitted by the first accused in Crime No.612 of 2015 of the Mangalapuram Police Station for offences punishable under Sections 147, 149, 151, 189, 447, 294(b), 353 and 379 of the Indian Penal Code.

2. The allegation of the prosecution is that on 20.06.2015 at about 8 p.m, petitioner herein along with about 8 other persons formed into an unlawful assembly, trespassed into the police station, attacked the police personnel and abused them. It is alleged that in the course of the alleged incident, the key of the police jeep was also removed. It is further alleged that thereby they interfered in the discharge of the official functions of the police personnel. Consequently, FIS was laid and a crime was registered. Petitioner, apprehending arrest, has sought pre-arrest bail.

3. Heard and perused the records.

4. Petitioner claims himself to be the Chairman of SNDP Yogam of the local area. He has set up a defence that he only enquired about the investigation regarding a missing person. He contended that apart from enquiring about the investigation about

the missing person, he has not committed any of the above offences. When going into the allegations and the counter allegations, it is to be held that admittedly no weapon has been used. The entire incident allegedly took place inside the police station. The allegation against the accused is sought to be proved through the oral testimony of the police personnel who were available in the police station at that point of time. Considering these facts, custodial interrogation of the petitioner is not likely to further improve the case. Hence, I am inclined to grant anticipatory bail to the petitioner, subject to the following conditions:

(i) Petitioner shall appear before the Investigating Officer on 03.08.2015 between 10 a.m. and 11 a.m. and shall undergo interrogation. Thereafter, if he is proposed to be arrested, he shall be released on bail on he executing a bond for Rs.40,000/- (Rupees forty thousand only) with two sureties for the like sum each.

(ii) Petitioner shall appear before the Investigating Officer on all Tuesdays for a period of one month from the date of execution of the bond as above or till the final charge is laid, whichever is earlier.

(iii) Petitioner shall not get involved in any other identical offence. He shall also not

interfere with the process of investigation, shall not threaten, intimidate or coerce the witnesses.

Sd/-
SUNIL THOMAS
Judge

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