

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

FRIDAY, THE 31ST DAY OF JULY 2015/9TH SRAVANA, 1937

Bail Appl..No. 4473 of 2015 ()

CRIME NO. 407/2015 OF PERINGOME POLICE STATION , KANNUR DISTRICT

PETITIONER/ACCUSED :

**BIJU.C.V., AGED 35 YEARS,S/O.VARKEY,
CHORAPPUZHAYIL HOUSE, CHORAPPADAVU,
PRAPOYIL.P.O., KANNUR DISTRICT.**

BY ADV. SRI.ZUBAIR PULIKKOOL

RESPONDENT/COMPLAINANT :

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

BY PUBLIC PROSECUTOR SMT. R.REMA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 31-07-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

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K. ABRAHAM MATHEW, J.

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B.A.No. 4473 of 2015

Dated this the 31st day of July, 2015

ORDER

Petition filed under Section 438 Cr.P.C.

2. Petitioner is alleged to have committed the offences under Sections 323, 427, 452 and 294(b) of the Indian Penal Code. The prosecution case is that he trespassed into the house of the victim, who is a 70 year old woman and uttered obscene words, assaulted her and committed mischief.

3. Heard.

4. The petitioner and the victim are neighbours. There is an allegation that the petitioner was under the influence of alcohol. The victim allegedly sustained injuries when the petitioner banged the door against her. Having regard to the nature of the injuries, it appears that his custodial interrogation is not necessary for effective investigation. So, I am inclined to grant the prayer of 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 court 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. every day for two weeks and thereafter every Wednesday for four months or till the final report is filed, whichever is earlier.*
- 5)He shall not intimidate or attempt to influence the witnesses.*
- 6)He shall not destroy or tamper with evidence.*
- 7)He shall not attempt to contact or communicate with the victim or the members of her family nor shall he enter the premises in which she is residing.*
- 8)He shall not get himself involved in any other criminal case while he is on bail.*

If the petitioner surrenders 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

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P.A. To Judge