

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE RAJA VIJAYARAGHAVAN V

MONDAY, THE 19TH DAY OF OCTOBER 2015/27TH ASWINA, 1937

Bail Appl..No. 5113 of 2015 ()

CRIME NO. 187/2015 OF KANAKAKUNNU POLICE STATION,ALAPPUZHA DISTRICT

PETITIONER/2ND ACCUSED:

**ANEESH KUMAR, AGED 20 YEARS,
S/O. ASHOK KUMAR, ANEESH BHAVANAM,
MUTHUKULAM SOUTH MURI, MUTHUKULAM VILLAGE,
KARTIKAPPALLY TALUK, ALAPPUZHA DISTRICT.**

BY ADV. SMT.S.L.SYLAJA

RESPONDENT(S)/COMPLAINANT:

- 1. THE STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, KOCHI - 31.**
- 2. THE SUB INSPECTOR OF POLICE,
KANAKAKKUNNU POLICE STATION,
ALAPPUZHA DISTRICT - 688 502.**

BY PUBLIC PROSECUTOR SRI.RAJESH VIJAYAN

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 19-10-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

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RAJA VIJAYARAGHAVAN V, J.

B.A.No.5113 of 2015

Dated this the 19th day of October, 2015

O R D E R

This is an application filed under S.438 of the Code of Criminal Procedure seeking anticipatory bail.

2. The petitioner herein is the second accused in Crime No.187/2015 of Kanakakkunnu Police Station, Alappuzha District. The aforesaid crime has been registered against the petitioner under S.341, 294(b), 323, 324, 308 r/w S.34 of the IPC.

3. The allegation is that, on 23.03.2015, at about 7.30 p.m., the petitioner along with 4 other accused wrongfully restrained the informant and assaulted him causing injuries.

4. I have heard the learned counsel appearing for the petitioner as well as the learned Public Prosecutor. The case diary has also been handed over for perusal.

5. The learned counsel appearing for the petitioner has submitted that the first informant has given an embellished version before the police to get the crime registered. It is submitted that no serious injuries were sustained by the informant. The accident register-cum-wound certificate issued by the Medical Officer of the Kunju Sahib Memorial Hospital, Kayamkulam reveals that the informant has not sustained any serious injuries.

6. After going through the materials on record, I am of the considered view that relief of pre-arrest bail can be granted in favour of the petitioner subject to stringent conditions:

i). The petitioner shall be released on bail after interrogation on his executing a bond for 25,000/- with two solvent sureties for the like sum if he is arrested by the Police in connection with this case.

ii). The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/ her from disclosing such facts to the court or to any police officer.

iii). The petitioner shall make himself available for interrogation as and when required by the investigating officer.

iv). The petitioner shall not influence or intimidate the prosecution witnesses or attempt to tamper with the evidence for the prosecution.

v). The petitioner shall not commit any

similar offence while on bail.

vi). The petitioner shall not leave India without the previous permission of the jurisdictional magistrate.

vii). In case of violation of any of the above conditions, the jurisdictional magistrate shall be empowered to cancel the bail in accordance with law.

This application is allowed as above.

Sd/-

**RAJA VIJAYARAGHAVAN V,
JUDGE.**

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[True copy]

P.A to Judge