

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

THURSDAY, THE 3RD DAY OF SEPTEMBER 2015/12TH BHADRA, 1937

Bail Appl..No. 5293 of 2015 ()

CRIME NO. 1473/2015 OF CHATHANNUR POLICE STATION, KOLLAM DISTRICT

PETITIONER/1ST ACCUSED:

**JINU JABBAR, AGED 32 YEARS,
S/O. ABDUL JABBAR, THUNDIL VEEDU,
MAMPILLIKUNNAM, CHATHANNUR, KOLLAM.**

**BY ADVS.SRI.A.RAJASIMHAN
SRI.K.NIRMALAN**

RESPONDENT/STATE:

**STATE OF KERALA,
THROUGH THE SUB INSPECTOR OF POLICE,
CHATHANNUR POLICE STATION, KOLLAM,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**

BY PUBLIC PROSECUTOR SMT. T.Y.LALIZA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 03-09-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

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A.HARIPRASAD, J.

B.A. No.5293 of 2015

Dated this the 3rd day of September, 2015

ORDER

Petition under Section 438 of the Code of Criminal Procedure.

2. Petitioner is the first accused in Crime No.1473 of 2015 of Chathannur Police Station registered under Sections 294(b), 323, 427, 452 and 506(ii) read with Section 34 of the Indian Penal Code. Prosecution case is that on 11.08.2015 at about 9 p.m, the petitioner along with another accused attacked the son of the defacto complainant and bet him on his cheek. Thereafter the petitioner and the other accused threw soda bottles at the defacto complainant's son. He did not suffer any injury as he warded it off. At 3.30 hours in the night, the accused persons broke open the window panes of the house of the defacto complainant.

3. Heard the learned counsel for the petitioner and the learned Public Prosecutor.

4. Learned counsel for the petitioner submitted that the defacto complainant received money for securing visa for overseas employment for the petitioner. Although money was paid and he had been sent to Gulf, he could not secure the job. Therefore, the petitioner demanded money back from the defacto complainant. For that reason, the defacto complainant is enmical towards the petitioner. Learned Prosecutor opposed the bail

application contending that the materials in the case diary would show the damage caused to the house of the defacto complainant said to be by the petitioner.

5. Considering the nature of allegations, following order is passed:

i. Petitioner shall surrender before the investigating officer within a period of two weeks and submit himself for interrogation. Thereafter he shall execute a bond for ₹25,000/- (Rupees twentyfive thousand only) with two solvent sureties each for the like sum to the satisfaction of the investigating officer. In that event, he shall be released on bail in Crime No.1473 of 2015 of Chathannur Police Station.

ii. Petitioner shall appear before the Investigating Officer as and when directed if any investigation is required in the matter.

iii. He shall not influence or intimidate the witnesses.

In case of violation of any of the above conditions, the learned Magistrate having jurisdiction is empowered to cancel the bail in accordance with law without referring the matter to this Court.

A. HARIPRASAD, JUDGE.