

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE RAJA VIJAYARAGHAVAN V

WEDNESDAY, THE 14TH DAY OF OCTOBER 2015/22ND ASWINA, 1937

Bail Appl..No. 5501 of 2015 ()

CRIME NO. 476/2015 OF PATTAMBI POLICE STATION , PALAKKAD

PETITIONER/ACCUSED:

SOMARAJAN, AGED 50 YEARS
S/O.NARAYANAN, KALAVARAKKAL VEEDU, NELLIKKATTIL
PATTAMBI

BY ADVS.SRI.S.RAJEEV
SRI.K.K.DHEERENDRAKRISHNAN
SRI.V.VINAY

RESPONDENT(S)/STATE:

1. STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA
ERNAKULAM 682 031 (CRIME NO 476/2015 OF PATTAMBI POLICE)
2. CIRCLE INSPECTOR OF POLICE
PATTAMBI
PALAKKAD DISTRICT (CRIME NO 476/2015 OF PATTAMBI POLICE REPRESENTED
BY C.I OF POLICE, PATTAMBI)

BY PUBLIC PROSECUTOR SMT. BINDU GOPINATH

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 14-10-2015, THE
COURT ON THE SAME DAY PASSED THE FOLLOWING:

Bail Appl..No. 5501 of 2015

APPENDIX

ANNEXURE

A1- COPY OF WOUND CERTIFICATE ISSUED FROM SEVANA HOSPITAL, & RESEARCH
CENTRE PVT. LTD. DATED 4.9.2015

//True copy//

P.S. To Judge

RAJA VIJAYARAGHAVAN.V. J

B.A.5501 of 2015

Dated 14th October, 2015

ORDER

1. This is an application for anticipatory bail filed u/s 438 of the Code of Criminal Procedure.
2. The petitioner is the sole accused in Crime No.476 of 2015 of the Pattambi police station. The said crime has been registered alleging offence punishable u/s 308 and 324 of the IPC.
3. The allegation is that on 1.9.2015 at 10.45 pm, the petitioner who was driving a car bearing registration No.52-B-8282 hit the said vehicle on the motor cycle driven by the informant due to previous animosity thus causing him injuries.
4. I have heard the learned counsel appearing for the petitioner as well as the learned Public Prosecutor.

5.The learned counsel for the petitioner has produced Annexure-I “Accident register-cum-wound certificate” prepared by the Medical Superintendent of the SEVANA Hospital & Research Centre (Pvt) Ltd, Pattambi, in respect of the informant Bineesh, which reveals that the informant at the time of examination was excessively under the influence of alcohol. It was pointed out by the learned counsel that it is no surprise that he had fallen down from the bike he was riding.

6.After having considered the rival submissions and the nature and gravity of the allegations, I am of the considered view that anticipatory bail can be granted to the petitioner by imposing appropriate conditions.

7.In the result, this application is allowed , but subject to the following conditions:

- i). The petitioner shall be released on bail after interrogation on his executing

a bond for 25,000/-, with two solvent sureties each for the like sum, in the event of his arrest 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 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

MrCs

//True copy//

P.S. To Judge