

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

**THE HONOURABLE MR. JUSTICE A.HARIPRASAD**

**THURSDAY, THE 17TH DAY OF SEPTEMBER 2015/26TH BHADRA, 1937**

**Bail Appl..No. 5513 of 2015**  
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**CRIME NO. 1464/2015 OF KANNUR POLICE STATION, KANNUR.**  
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**PETITIONER/ACCUSED:**  
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**BALAMOHANA BABU,  
SREE RAMAKRISHNA ASRAM, PALAYAD P.O.,  
THALASSERY, KANNUR DISTRICT.**

**BY ADV. SRI.O.D.SIVADAS**

**RESPONDENT(S)/COMPLAINANT AND STATE:**  
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- 1. SUB INSPECTOR OF POLICE,  
KANNUR POLICE STATION, KANNUR DISTRICT.**
- 2. STATE OF KERALA,  
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 17-09-2015, THE COURT ON THE SAME DAY PASSED THE  
FOLLOWING:**

**mbr/**

**A.HARIPRASAD, J.**

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**B.A No.5513 of 2015**

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**Dated this the 17<sup>th</sup> day of September, 2015.**

**ORDER**

Application for pre-arrest bail under Section 438 Cr.P.C.

2. Petitioner is the accused in Crime No.1464 of 2015 of Kannur Police Station registered for offences punishable under Sections 341, 353 r/w Section 34 I.P.C.

3. Prosecution case, in short, is that on 22-08-2015 the petitioner along with another accused attacked the defacto complainant, who is an Assistant Motor Vehicle Inspector, R.T.O, Kannur.

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

5. Learned counsel for the petitioner submitted that the defacto complainant was not having sufficient qualification to secure the job. That fact was brought to light by the petitioner. On that score, the defacto complainant is enmical towards the petitioner. Therefore, a false case is caused to be registered against the petitioner. Petitioner would contend that in fact in the incident he

sustained injury for which he filed a complaint. The complaints are Annexures A1 and A2.

6. Learned Public Prosecutor opposed the bail application. She submitted that even in 2013 another crime has been registered between the same parties. Considering the nature of allegations, following directions are made :

1. Petitioner shall surrender before the investigating officer within a period of two weeks from today and submit himself for interrogation. In that event, the petitioner shall be released on bail on executing a bond for Rs.25,000/- (Rupees twenty five thousand only) with two solvent sureties each for the like sum to the satisfaction of the Investigating Officer.
2. The sureties shall produce documents to establish their identity and solvency.
3. Petitioner shall appear before the Investigating Officer as and when directed in writing and co-operate with the investigation in the matter.
4. Petitioner shall not influence or intimidate witnesses.
5. If any of the above conditions is violated by the petitioner, the learned Magistrate having jurisdiction is free to cancel the bail.

Sd/-  
**A.HARIPRASAD,**  
**JUDGE.**