

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. 5551 of 2015

CRIME NO. 1468/2015 OF CHATHANNOOR POLICE STATION, KOLLAM

PETITIONER(S)/2ND ACCUSED:

SHAJIMON R. @ SHAJI
SHAJI BHAVAN, KALLINGAL, PERUMPUZHA
THAZHAM CHERRY, KOLLAM

BY ADV. SRI.M.L.SURESH KUMAR

RESPONDENT(S)/STATE:

STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA.

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:

RAJA VIJAYARAGHAVAN.V. J

B.A.5551 of 2015

Dated 19th October, 2015

ORDER

- 1.The petitioner is filed u/s 438 of the Code of Criminal Procedure seeking anticipatory bail.
- 2.The petitioner is arrayed as the 2nd accused in Crime No.1468 of 2015 of Chathannoor police station, Kollam. The said crime has been registered alleging offence punishable u/s 294(b), 341, 323, 324, 427, 354, 452 r/w S.34 of the IPC.
- 3.The gist of the prosecution allegation is that the petitioner and the 1st accused trespassed into the house of the de facto complainant and abused her and also committed assault .
- 4.Heard the learned counsel appearing for the petitioner as well as the learned Public Prosecutor.

5.The learned counsel appearing for the petitioner has submitted that the main overt acts have been committed by the 1st accused and he has surrendered before the learned Magistrate and has been enlarged on bail. It is further submitted that the petitioner is innocent of the allegations and no injuries as such were sustained by the informant.

6.The learned Public Prosecutor on the other hand, submitted that the petitioner and the 1st accused had trespassed into the house of the informant and had created mischief. It is fairly submitted that no serious injuries were sustained by the informant or her son. It is also submitted that the petitioner is a person with no criminal antecedents.

7.In view of the above facts and circumstances of the case, the Bail application is allowed 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, 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

MrCS

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P.S. To Judge