

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

THURSDAY, THE 1ST DAY OF OCTOBER 2015/9TH ASWINA, 1937

Bail Appl..No. 5842 of 2015 ()

**CRIME NO. 1770/2015 OF PAVARATTY POLICE STATION,
TRISSUR DISTRICT**

PETITIONER :

**SREE RAJ , AGED 21 YEARS,
S/O. BABURAJ, ATTOOR HOUSE, CHITTATTUKARA P.O.,
PANGU, PAVARATY, THRISSUR DISTRICT**

BY ADV. SRI.ALIAS M.CHERIAN

RESPONDENTS :

**1. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682 031.**

**2. THE SUB INSPECTOR OF POLICE,
PAVARATY POLICE STATION, PAVARATY P.O.,
THRISSUR DISTRICT-680 507.**

R1 & R2 BY PUBLIC PROSECUTOR SMT. R. REMA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 01-10-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

bp

A.HARIPRASAD, J.

B.A. No.5842 of 2015

Dated this the 1st day of October, 2015

ORDER

Petition under Section 438 of the Code of Criminal Procedure.

2. Petitioner is the fourth accused in Crime No.1770 of 2015 of Pavaraty Police Station registered for offences punishable under Sections 341, 324, 427, 448 and 308 read with Section 34 of the Indian Penal Code.

3. Allegation against the petitioner is that on 30.08.2015 at 8.00 p.m., petitioner along with other accused sprinkled chilly powder on the face of the defacto complainant and attacked him by using iron pipe and sticks. Allegation is that this petitioner used stick to beat the defacto complainant.

4. Heard both sides.

5. Learned counsel for the petitioner submitted that offence under Section 308 is added to the crime without any justification. There is no corresponding injury suffered by the victim is the contention. Learned Prosecutor submitted that recovery of the weapons used have been effected.

Considering the nature of allegations, I am inclined to grant

pre-arrest bail to the petitioner with following conditions:

i. Petitioner shall surrender before the investigating officer within a period of one week 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.1770 of 2015 of Pavaraty Police Station.

ii. The sureties shall produce documents to establish their identity and solvency.

iii. Petitioner shall appear before the Investigating Officer as and when directed in writing and co-operate with the investigation in the matter.

iv. He shall not influence or intimidate the witnesses.

In case of violation of any of the above conditions, the officer concerned is free to arrest the petitioner as if no order is passed.

A. HARIPRASAD, JUDGE.

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