

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.SUDHEENDRA KUMAR

FRIDAY, THE 16TH DAY OF OCTOBER 2015/24TH ASWINA, 1937

Bail Appl..No. 6045 of 2015

CRIME NO. 976/2015 OF PUNNAPRA POLICE STATION , ALAPPUZHA

PETITIONER(S)/ACCUSED NO.1 TO 2:

- 1. FASLUDEEN @ FAISAL, AGED 37 YEARS,
S/O.ABDHUKHADER KUNJU, PUTHENVELI, VANDANAM P.O.,
ALAPPUZHA.**
- 2. SAJEESH KUMAR, AGED 27 YEARS,
S/O.SHAJI, KURAVANTHODUVELI, PUNNAPRA
ALAPPUZHA.**

**BY ADVS.SRI.MANOJ RAMASWAMY
SMT.V.SREEJA**

RESPONDENT(S):

- 1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM DISTRICT 682 031.**
- 2. THE SUB INSPECTOR OF POLICE,
PUNNAPRA POLICE STATION, ALAPPUZHA DISTRICT 688 004.**

BY PUBLIC PROSECUTOR SMT.T.Y.LALIZA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 16-10-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

PJ

B.SUDHEENDRA KUMAR, J.

B.A.No.6045 of 2015

Dated this the 16th day of October, 2015

O R D E R

The petitioners are accused in Crime No.976 of 2015 of Punnapra Police Station registered under Sections 294 (b) and 332 r/w Section 34 of the Indian Penal Code.

2. The prosecution allegation is that on 09.09.2015 at about 06.50 p.m., while the defacto complainant and party were checking the vehicles, the first petitioner uttered abuse words against the defacto complainant. He also fisted on the chest of the defacto complainant. Thereafter, both the accused together pushed the defacto complainant down and caught hold of his uniform shirt and thereby, deterred the defacto complainant from doing the official duty.

3. Heard.

4. It appears that the defacto complainant alone was attacked by the petitioners and the other Policeman, who was with defacto complainant, was not attacked by petitioners. It is prima facie unbelievable that even though the defacto complainant and the other policeman were on

uniform, they could not arrest any of the petitioners at the spot. The petitioners have filed this application under Section 438 Cr.P.C. apprehending arrest and detention by the respondents. It has been submitted by the learned Public Prosecutor that the petitioners are not involved in any other offence of similar nature.

5. Considering the facts and circumstances of the case, including the fact that the defacto complainant did not sustain any serious injury in the incident and also taking into consideration of the fact that the petitioner is the first time offender, I am of the view that this is not a case where the custodial interrogation of the petitioner is necessary for the progress of investigation of the case. In the said circumstances, an order under Section 438 Cr.P.C. in favour of the petitioner will be justified in this case.

In the result, this application stands allowed and the respondents are directed to release the petitioners on bail in the event of their arrest in connection with Crime No.976 of 2015 of Punnapra Police Station on condition of each of the petitioners executing a bond for ₹25,000/-

(Rupees twenty five thousand only) each, with two solvent sureties each, each for the like sum to the satisfaction of the Circle Inspector of Police, Ambalapuzha before whom the petitioners shall surrender within 10 days from today, if not already arrested, and subject to the following conditions:

- (a) The petitioners shall report before the Circle Inspector of Police, Ambalapuzha on every Monday between 09.00 a.m and 11.00 a.m. for a period of three months or until the filing of the final report, whichever is earlier.
- (b) The petitioners shall report before the Circle Inspector of Police, Ambalapuzha as and when required in writing to do so.
- (c) The petitioners shall not get involved in any offence while on bail.

Sd/-

B.SUDHEENDRA KUMAR, JUDGE.

AS

/True Copy/

P.A. to Judge