

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE RAJA VIJAYARAGHAVAN V

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

Bail Appl..No. 6203 of 2015

CRIME NO. 1174/2015 OF SOORANADU POLICE STATION, KOLLAM DISTRICT.
.....

PETITIONER/ACCUSED A1:

**MOHANAN, AGED 48 YEARS,
S/O.VELUTHAKUNJU, SUBIN BHAVANAM,
PATHARAM P.O, SOORANAD SOUTH VILLAGE,
KUNNATHOOR TALUK, KOLLAM DISTRICT.**

BY ADV. SRI.P.V.DILEEP

RESPONDENT/COMPLAINANT:

- 1. STATE OF KERALA,
REP BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,
ERNAKULAM**
- 2. THE SUB INSPECTOR OF POLICE,
SOORANAD POLICE STATION,
KOLLAM DISTRICT-690701.**

BY PUBLIC PROSECUTOR SRI.RAJESH VIJAYAN

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

mbr/

RAJA VIJAYARAGHAVAN.V. J

B.A.6203 of 2015

Dated 16th October, 2015

ORDER

- 1.This is a petition filed u/s 438 of the Code of Criminal Procedure.
- 2.The petitioner is the 1st accused in crime No.1174 of 2015 of Sooranad police station. The said crime has been registered for offence punishable u/s 341, 294(b), 323 324, 354 r/w S.34 of the IPC.
- 3.The allegation is that on 7.9.2015 at 7.45 am, the petitioner along with the 2nd accused who is his minor son, allegedly restrained the de facto complainant and assaulted her with their hands. It is further alleged that the churidar of the de facto complainant was torn in the course of the transaction .

4.I have heard the learned counsel for the petitioner as well as the learned Public Prosecutor.

5.The learned counsel for the petitioner asserted that there were some dispute between the de facto complainant and the wife of the petitioner and the petitioner as well as the de facto complainant are neighbours. It does not appear that custodial interrogation is warranted in the facts and circumstances.

6.After having considered the facts and circumstances of the case, I am satisfied that relief of pre-arrest bail can be granted to the petitioner 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