

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

WEDNESDAY, THE 4TH DAY OF NOVEMBER 2015/13TH KARTHIKA, 1937

Bail Appl..No. 6224 of 2015

CRIME NO. 1127/2015 OF KATTAPPANA POLICE STATION, IDUKKI
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PETITIONER(S)/ACCUSED:

**JOBIN, AGED 30 YEARS,
S/O. PHILIP, CHUNKAPURACKAL HOUSE, THANKAMANY KARA,
THANKAMANY VILLAGE, IDUKKI DISTRICT-685 60.**

**BY ADVS.SRI.C.ANILKUMAR (KALLESSERIL)
SRI.P.M.MANASH
SRI.C.Y.VINOD KUMAR
SRI.P.S.PRASOBH**

RESPONDENT(S)/COMPLAINANT:

**STATE OF KERALA,
(THROUGH THE SUB INSPECTOR OF POLICE,
KATTAPPANA POLICE STATION-
CR.NO. 1127/2015 OF KATTAPPANA POLICE,
STATION) REP. BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**

BY PUBLIC PROSECUTOR SRI.V.S.SREEJITH

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
04-11-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

msv/

A.HARIPRASAD, J.

B.A. No.6224 of 2015

Dated this the 4th day of November, 2015

ORDER

Application under Section 438 of the Code of Criminal Procedure.

2. Accused in Kattappana Police Station Crime No.1127 of 2015 registered for offences punishable under Sections 294(b), 452, 341 and 324 of the Indian Penal Code seeks pre-arrest bail.

3. Prosecution case, in short, is that on 30.08.2015 at about 11.00 a.m. petitioner assaulted the defacto complainant after trespassing into the drawing room of his house and abused with obscene words. Petitioner and the defacto complainant are neighbours.

4. Heard both sides.

5. Learned counsel for the petitioner submitted that during the early morning on the same day there was a dispute between the petitioner and the defacto complainant. The complaint now filed is a false one in connection with the hostility nurtured by the defacto complainant on account of the real incident, which happened in the morning.

Considering the nature of allegations, I find no need to have a custodial interrogation. Therefore, following directions are issued:

i. Petitioner shall surrender before the investigating officer within a period of two weeks 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.1127 of 2015 of Kattappana Police Station.

ii. The sureties shall produce documents to establish their identity and solvency. The investigating officer shall not insist on the solvency certificate, but other documents can also be perused to find out whether the sureties are solvent or not.

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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