

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

MONDAY, THE 12TH DAY OF OCTOBER 2015/20TH ASWINA, 1937

Bail Appl..No. 6265 of 2015

CRIME NO. 428/2015 OF THRIKKUNNAPPUZHA POLICE STATION, ALAPPUZHA

PETITIONER(S)/1ST ACCUSED:

**SAJEEV KUMAR, AGED 56 YEARS,
S/O.SADASIVAN, PUTHENKADATHIL HOUSE,
KUMARAPURAM VILLAGE, HARIPPAD, ALAPPUZHA DIST.**

**BY ADVS.SRI.SURAJ.S
SRI.VINOD CHANDRAN. R**

RESPONDENT(S)/COMPLAINANT:

- 1. STATE,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682031.**
- 2. THE SUB INSPECTOR OF POLICE,
THRIKUNNAPPUZHA POLICE STATION, (CRIME NO.428/2015)
ALAPPUZHA DISTRICT-688114.**

BY PUBLIC PROSECUTOR SMT.T.Y.LALIZA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 12-10-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

PJ

A.HARIPRASAD, J.

B.A.No.6265 of 2015

Dated this the 12th day of October, 2015

ORDER

Application filed under Section 439 of the Code of Criminal Procedure.

2. Petitioner is 1st accused in Crime No.428 of 2015 of Thrikunnappuzha Police Station registered for the offences punishable under Sections 294(b), 323, 506(ii) r/w Section 34 of the Indian Penal Code and Sections 3(ii) (vi) 3(x) 3(xi) 3(1)(xv) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

3. Prosecution case is that on 27.02.2015 at about 05.00 p.m., the petitioner and other accused obstructed the pathway of the defacto complainant by putting up a fencing and threatened the defacto complainant by abusive words from using the pathway. That apart, the petitioner has called the caste name of the defacto complainant who is a member of the Scheduled Caste community with a view to insult the defacto complainant in public. Further the petitioner's action compelled the

defacto complainant to shift residence to a distant place.

4. Heard the learned counsel for the petitioner and the learned Public Prosecutor.

5. Leaned counsel for the petitioner submitted that the petitioner remains in custody from 25.09.2015.

6. Leaned Public Prosecutor opposed the bail application contending that there is a possibility of breach of peace in the area and further he may try to interfere with the investigation if he released on bail.

7. Considering the fact and circumstances and also that there is a civil disputes between the parties, I am inclined to grant bail to the petitioner with the following conditions:

- (a) The petitioner shall be released on bail on executing a bond for ₹50,000/- (Rupees fifty thousand only) with two solvent sureties for the like sum to the satisfaction of the learned magistrate having jurisdiction.
- (b) The sureties shall produce documents to establish their identity and solvency. The

learned Magistrate need not insist on solvency certificate, but other documents can also be perused to find out whether the sureties are solvent or not.

- (c) The petitioner shall appear before the Investigating Officer on all Mondays between 10.00 a.m and 11.00 a.m. until the final report is filed.
- (d) The petitioner shall not enter the local limits of Thrikunnapuzha Police Station for a period of two months except for the purpose of reporting to the Investigating Officer or attending the court.
- (e) The petitioner shall not intimidate or attempt to influence the witnesses.
- (f) The petitioner shall not in any manner interfere or meddle with the investigation.
- (g) The petitioner shall not, during the period of this bail get involved in any offence.

In case any of the above conditions is violated, bail

granted hereby is liable to be cancelled for which the investigating officer may move application before the jurisdictional magistrate.

Sd/-
A.HARIPRASAD, JUDGE.

AS

/True Copy/

P.A. to Judge