

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. 6387 of 2015 ()

CRIME NO. 596/2015 OF VITHURA POLICE STATION , THIRUVANANDAPURAM

PETITIONER/ACCUSED:

JUSTIN, S/O.PALDAS AGED 35 YEARS
ANU BHAVAN, MYLAKONAM, VITHURA P.O
THIRUVANANTHAPURAM.

BY ADVS.SRI.G.RANJU MOHAN
SMT.M.SANTHI (K/868/2011)

RESPONDENT/STATE:

STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM.

R BY PUBLIC PROSECUTOR SRI.

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

SCL.

B. SUDHEENDRA KUMAR, J.

B.A. No.6387 of 2015

Dated this the 16th day of October, 2015.

ORDER

The petitioner is the first accused in Crime No.596 of 2015 of Vithura Police Station registered under Sections 323 and 353 r/w Section 34 IPC.

2. The prosecution allegation is that on 14.7.2015 at about 12.30 p.m., there occurred an accident between the Tempo Van driven by the first accused, namely, the petitioner and a KSRTC bus and as a consequence, the petitioner assaulted the conductor and the driver of the KSRTC bus and thereby deterred them from doing their official duties.

3. The petitioner has filed this application under Section 438 of Cr.P.C.

4. Heard. Perused the case diary.

5. The learned Public Prosecutor has no serious objection in allowing this application. It has been further submitted by the learned Public Prosecutor that the petitioner

is not involved in any other offence of similar nature. The de facto complainant did not sustain any serious injury in the incident.

6. Considering the facts and circumstances of the case, including the nature of the allegation and also taking into consideration of the fact that the petitioner is the first time offender, I am of the view that this is a fit case where an order under Section 438 Cr.PC in favour of the petitioner will be justified.

In the result, this bail application stands allowed and the respondent is directed to release the petitioner on bail in the event of his arrest in connection with the crime No.596/2015 of Vithura Police Station, on condition of the petitioner executing a bond for Rs.35,000/- (Rupees thirty five thousand only) with two solvent sureties, each for the like sum to the satisfaction of the Sub Inspector of Police, Vithura Police Station, before whom the petitioner shall surrender within 10 days from today, if not already arrested, and subject to the

following further conditions:

- 1) The petitioner shall report before the investigating officer on every Monday between 9 a.m. and 11 a.m. for three months and thereafter as and when required by the investigating officer in writing to do so.
- 2) The petitioner shall not get involved in any offence while on bail.
- 3) The petitioner shall not intimidate or influence the witnesses or in any way tamper with the investigation.

Sd/-

**B. SUDHEENDRA KUMAR
JUDGE**

Scl.

True Copy

PA to Judge