

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. 6462 of 2015

CRIME NO. 1993/2014 OF MATHILAKOM POLICE STATION, THRISSUR
.....

PETITIONER(S):

**VIJAYAN, AGED 69,
PUTHALATH HOUSE, KOTHAPARAMBU, KODUNGALLUR TALUK.**

**BY ADVS.SRI.K.B.PRADEEP
ADV.SRI.MILESH V.PAVIYALA**

RESPONDENT(S):

- 1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682 031.**
- 2. THE INSPECTOR OF POLICE,
MATHILAKOM POLICE STATION,
THRISSUR DISTRICT-680 001.**

BY PUBLIC PROSECUTOR SMT. T.Y.LALIZA

**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.6462 of 2015

Dated this the 4th day of November, 2015

ORDER

Application under Section 438 of the Code of Criminal Procedure.

2. Petitioner is the sole accused in Crime No.1993 of 2014 of Mathilakam Police Station registered for offences punishable under Sections 341, 323, 452, 354 and 427 of the Indian Penal Code. He seeks pre-arrest bail.

3. Prosecution case, in short, is that on 28.08.2015 at about 8.45 p.m. due to previous enmity the accused trespassed into the defacto complainant's house, held her by hand and kicked her.

4. Heard both sides.

5. Learned counsel for the petitioner submitted that prior to this incident, the defacto complainant and her husband trespassed into his property and Crime No.1992 of 2015 is registered by the Police in connection with that incident. A civil case as O.S.No.776 of 2014 of Munsiff's Court, Kodungallur is also pending between the parties.

Considering the nature of allegations, petitioner can be enlarged on pre-arrest bail with following conditions:

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.1993 of 2014 of Mathilakam 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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