

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE BABU MATHEW P.JOSEPH

THURSDAY, THE 12TH DAY OF NOVEMBER 2015/21ST KARTHIKA, 1937

Bail Appl..No. 6464 of 2015 (C)

AGAINST THE ORDER IN CRL.MP 2816/2015 of SESSIONS COURT,
PATHANAMTHITTA DATED 25-09-2015

CRIME NO. 2426/2015 OF PATHANAMTHITTA POLICE STATION , PATHANAMTITTA

PETITIONER/ACCUSED NO.1:

MADHU, S/O.KOCHUCHERUKKAN
AGED 35 YEARS, KOLLANKALAYIL, KUMBANGAL
MUNDUKOTTACKAL PO PATHANAMTHITTA VILLAGE
KOZHENCHERRY TALUK, PATHANAMTHITTA DISTRICT.

BY ADVS. SRI.ARUN.B.VARGHESE
SRI.JAYKAR.K.S.
SMT.M.B.DHANYA BABU

RESPONDENTS/STATE & COMPLAINANT:

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1. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM. 682 031.
 2. THE SUB INSPECTOR OF POLICE
PATHANAMTHITTA POLICE STATION
PATHANAMTHITTA DISTRICT 689645

BY PUBLIC PROSECUTOR SMT.MADHUBEN.M.

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
12-11-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

BABU MATHEW P. JOSEPH, J.

B. A. No.6464 of 2015

Dated this the 12th day of November, 2015

ORDER

This petition is filed under Section 438 of Cr.P.C. for anticipatory bail.

2. Heard the learned counsel appearing for the petitioner and the learned Public Prosecutor appearing for the respondents. C.D. produced.

3. The petitioner is the first accused in Crime No.2426 of 2015 of Pathanamthitta Police Station. The offences alleged are under Sections 323, 324, 427 and 326 read with Section 34 of IPC. Learned counsel for the petitioner submits that the petitioner is innocent of the allegations raised against him. He is the brother of the de facto complainant. He has no criminal antecedents. The investigation of the case is almost over. The custodial interrogation of the petitioner is not required. She further submits that the petitioner apprehends arrest by the police at any time.

4. Learned Public Prosecutor has opposed this petition.

She admits the fact that the investigation of the case has progressed much. She further submits that no criminal antecedents have been reported against the petitioner. On considering the facts and circumstances, stage of the investigation and the fact that no criminal antecedents have been reported against the petitioner, this Court is of the view that the petitioner can be granted anticipatory bail imposing appropriate conditions.

5. Therefore, the petitioner is granted anticipatory bail subject to the following conditions:

- 1)The petitioner shall surrender before the Investigating Officer on or before 20-11-2015. In the event of his arrest, he shall be released on bail on his executing 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.
- 2)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 or her from disclosing such facts to the Court or to any Police Officer.

3)The petitioner shall make himself available for interrogation as and when required by the Investigating Officer.

4)The petitioner shall not influence or intimidate the prosecution witnesses nor shall he attempt to tamper with the evidence for the prosecution.

5)The petitioner shall not commit any similar offence while on bail.

6)The petitioner shall not leave India without the previous permission of the concerned Magistrate's Court.

This petition is allowed as above.

Sd/-

**BABU MATHEW P. JOSEPH
JUDGE**

kns/-

//TRUE COPY//

P.A. TO JUDGE

