

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

THURSDAY, THE 15TH DAY OF OCTOBER 2015/23RD ASWINA, 1937

Bail Appl..No. 6478 of 2015 ()

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CRIME NO. 497/2015 OF KODUVALLY POLICE STATION, KOZHIKODE DISTRICT.**

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PETITIONER/1ST ACCUSED:

**RAJESH. V.M., S/O.RAJAN V.M.,
AGED 27 YEARS, UNNIPARAMBATH MEETHAL HOUSE,
KARUVATTOOR P.O., UNNIPARAMBATH THAZHE,
KOZHIKODE DISTRICT.**

BY ADV. SRI.JOSE KURIAKOSE (VILANGATTIL).

RESPONDENT/COMPLAINANT:

**STATE OF KERALA,
(REP. BY S.I. OF POLICE,
KODUVALLY POLICE STATION-CRIME NO.497/2015),
REP. BY STATE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**

BY PUBLIC PROSECUTOR SMT.R. REMA.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 15-10-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

rs.

A. HARIPRASAD, J.

Bail Appl. No.6478 of 2015

Dated this the 15th day of October 2015

O R D E R

Bail application filed under Sec.439 Cr.P.C.

2. Petitioner is the 1st accused in Crime No.497 of 2015 of Koduvally Police station registered for the offences punishable under Secs.323, 324, 294(b), 427, 332 and 308 read with Sec.34 of the Indian Penal Code. Prosecution case is that on 07.10.2015 at about 13.55 hours, the petitioner and two others uttered obscene words and caused hurt to a Police officer on traffic duty. The petitioner is arrested on 07.10.2015 and is in remand now.

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

4. Learned counsel for the petitioner submitted that there is no ingredient to attract the offence under Sec.308 IPC. There was an altercation between the defacto complainant and the petitioner regarding the parking of a motorcycle. Petitioner is a military man.

Annexure A1 certificate shows that he has been granted leave from 04.10.2015 to 18.10.2015. It is submitted that unless he reports on duty on 18.10.2015, he will loose his job.

5. Learned Public Prosecutor submitted that body mahazar of the defacto complainant shows that he sustained injury on the finger and other parts of the body.

Considering the nature of allegations and the fact that the petitioner remained in custody for a period of one week for interrogation, bail is granted to him with the following conditions.

i. The petitioner shall be released on bail on his executing a bond for Rs.50,000/- (Rupees fifty thousand only) with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate having jurisdiction.

ii. The sureties shall be the persons permanently residing in the State of Kerala and shall produce documents to establish

their identity and solvency.

iii. The petitioner shall appear before the investigating officer for interrogation as and when directed in writing.

iv. The petitioner shall not intimidate or attempt to influence the witnesses, nor shall he tamper with the evidence.

v. The petitioner shall not involve in any other offence during the period of bail.

In case of violation of any of the above conditions, the learned Magistrate is empowered to cancel the bail in accordance with law without referring the matter to this Court.

Sd/-
A. HARIPRASAD
JUDGE

/ True Copy /

NS/15/10/2015

P.A. To Judge