

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE RAJA VIJAYARAGHAVAN V

FRIDAY, THE 30TH DAY OF OCTOBER 2015/8TH KARTHIKA, 1937

Bail Appl..No. 6502 of 2015

CRIME NO. 1619/2015 OF PARAVOOR POLICE STATION, KOLLAM

PETITIONERS/ACCUSED 1 AND 2:

1. REJITH AGED 31 YEARS
S/O. RAJAN BABU, CHALUVILA VEEDU, KALAKKODU,
NEAR HARIJAN BANK, POOTHAKULAM VILLAGE, PARAVOOR,
KOLLAM DISTRICT.
2. SATHEESH T., AGED 28 YEARS
PANDARAVILLA, KALAKKODU P.O., POOTHAKULAM,
PARAVOOR, KOLLAM DISTRICT.

BY ADV. SRI.VINOY VARGHESE KALLUMOOTILL

RESPONDENT(S)/COMPLAINANTS/STATE:

1. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM - 682 031.
2. THE SUB INSPECTOR OF POLICE,
PARAVOOR POLICE STATION, KOLLAM - 691 001.

BY PUBLIC PROSECUTOR SRI. ABHIJET LESSLIE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 30-10-2015, THE
COURT ON THE SAME DAY PASSED THE FOLLOWING:

APPENDIX

ANNEXURES

A1- TRUE COPY OF THE FIR IN CRIME NO.1619 OF 2015 OF PARAVOOR POLICE STATION

A2- TRUE COPY OF THE OUTPATIENT TICKET ISSUED FROM RAM RAO MEMORIAL TALUK HOSPITAL

A3- TRUE COPY OF THE DISCHARGE CARD ISSUED FROM DISTRICT HOSPITAL, KOLLAM

A4- TRUE COPY OF THE FIR IN CRIME NO.1619 OF 2015 OF PARAVOOR POLICE STATION REGISTERED U/S 143, 147, 148, 323, 324, 427 AND 149 IPC

A5- TRUE COPY OF THE CERTIFICATE ISSUED BY CONCERNED OFFICER OF SOUTHERN RAILWAY

//True copy//

P.S. To Judge

RAJA VIJAYARAGHAVAN.V. J

B.A. 6502 of 2015

Dated 30th October, 2015

ORDER

- 1.This application is filed u/s 438 of the Code of Criminal Procedure, seeking anticipatory bail.
- 2.The petitioners herein are accused Nos.1 and 2 in Crime No.1619 of 2015 of Paravoor police station. The said crime has been registered alleging offence punishable u/s 452, 324, 323, 294, 506 r/w S.34 of the IPC.
- 3.The crux of the prosecution allegation is that on 24.9.2015 at about 8.30 p.m, the petitioners trespassed into the house of the de facto complainant and attacked him using sticks resulting in injuries.

4.I have heard the learned counsel appearing for the petitioners as well as the learned Public Prosecutor.

5.The learned counsel appearing for the petitioners has submitted that as against the informant , a crime has been registered in the same police station as crime No.1669 of 2015 for offence punishable u/s 143, 147, 148, 323, 324, 427 r/w S.149 of the IPC. The learned counsel, relying on Annexure-A2 and A3 wound certificates submitted that the 1st petitioner had also sustained injuries.

6.The learned Public Prosecutor opposed the application . However, he has fairly conceded after perusing the case diary that no serious injuries were sustained by the informant.

7.After having considered the rival submissions, the nature and gravity of the allegations, the

antecedents of the petitioner and the other circumstances, I am of the considered view that anticipatory bail can be granted to the petitioners by imposing appropriate conditions.

8. In the result, this application is allowed subject to the following conditions:

i). The petitioners shall be released on bail after interrogation on their executing a bond for 25,000/- each with two solvent sureties each for the like sum if they are arrested by the Police in connection with this case.

ii). The petitioners 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/ her from disclosing such facts to the court or to any police officer.

iii). The petitioners shall make

themselves available for interrogation as and when required by the investigating officer.

iv). The petitioners shall not influence or intimidate the prosecution witnesses or attempt to tamper with the evidence for the prosecution.

v). The petitioners shall not commit any similar offence while on bail.

vi). The petitioners shall not leave India without the previous permission of the jurisdictional magistrate.

vii). In case of violation of any of the above conditions, the jurisdictional magistrate shall be empowered to cancel the bail in accordance with law.

This application is allowed as above.

Sd/-

RAJA VIJAYARAGHAVAN.V.
Judge

MrCS

//True copy//

P.S. To Judge