

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. 6597 of 2015 ()

**CRIME NO. 1038/2015 OF KUTHIYATHODE POLICE STATION,
ALAPPUZHA DISTRICT**

PETITIONER/ACCUSED :

**DON BOSCO @ BIJU, AGED 38 YEARS,
S/O. STEPHEN, KUNNEL HOUSE, PALLITHODE
THURAVOOR P.O., ALAPPUZHA DISTRICT**

**BY ADVS.SRI.P.G.SURESH
SRI.G.SUDHEER (THURAVOOR)
SRI.RAJAN VISHNURAJ
SRI.V.HARISH**

RESPONDENT/DEFACTO COMPLAINANT :

**STATE OF KERALA
REPRESENTED BY SI OF POLICE, KUTHIYATHODE,
REPRESENTED THROUGH PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM 682031**

BY PUBLIC PROSECUTOR SRI.RAJESH VIJAYAN

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

bp

RAJA VIJAYARAGHAVAN V, J.

B.A.No.6597 of 2015

Dated this the 30th day of October, 2015

O R D E R

This is an application seeking anticipatory bail filed under S.438 of the Code of Criminal Procedure .

2 The petitioner apprehends arrest in Crime No.1038 /2015 of Kuthiyathode Police Station which has been registered for offence punishable under S.353 and 294(b) of the IPC.

3. The prosecution allegation as is revealed from the records is that, on 13.09.2015 at about 7.00 p.m., the petitioner uttered obscene words at the informant who is a civil police officer attached to the Kuthiyathode police station and deterred him from performing his official duty. It is further alleged that the petitioner had voluntarily caused

hurt to the informant by twisting his hand.

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

5. The learned counsel appearing for the petitioner has submitted that in connection with a festival procession that was going on at the St. Sebastian's Church, Pallithode, there was some altercation between the locals and police officers who was in charge of traffic duty. According to the learned counsel, the allegations are false and he has not committed the offence alleged. The learned public prosecutor submitted that the petitioner is not entitled to the reliefs sought for.

6. Having regard to the facts and circumstances and after having considered the rival submissions, the nature and gravity of the allegations and the antecedents of the

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

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

- i). The petitioner shall be released on bail after interrogation on his executing a bond for 25,000/- with two solvent sureties for the like sum if he is arrested by the Police in connection with this case.
- ii). 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/ her from disclosing such facts to the court or to any police officer.
- iii). The petitioner shall make himself available for interrogation as and when required by the investigating officer.
- iv). The petitioner shall not influence or intimidate the prosecution witnesses or attempt to tamper with the evidence for the

prosecution.

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

vi). The petitioner 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.**

Bb

[True copy]

P.A to Judge