

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. 6746 of 2015

CRIME NO. 1009/2015 OF AIROOR POLICE STATION , THIRUVANANTHAPURAM

PETITIONER(S)/A1:

**DEEPSON @ SOMAN, AGED 34 YEARS,
S/O. DILEEP, S.V.VILLA, MUTTAPALAM P.O.,
CHAVADIMUKKU, VARKALA, THIRUVANANTHAPURAM.**

BY ADV. SRI.SHAJIN S.HAMEED

RESPONDENT(S)/STATE:

**STATE OF KERALA,
REPRESENTED BY THE SUB-INSPECTOR OF POLICE,
AIROOR POLICE STATION,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**

BY PUBLIC PROSECUTOR SRI.ABHIJIT LESSLIE

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

PJ

RAJA VIJAYARAGHAVAN V, J.

B.A.No.6746 of 2015

Dated this the 30th day of October, 2015

O R D E R

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

2. The petitioner is the first accused in Crime No.1009 /2015 of Ayiroor Police Station. The said crime has been registered for offence punishable under S.143, 147, 148, 323, 324, 452, 294(b), 506(ii), 354, 427 r/w S.149 of the IPC.

3. The prosecution allegation is that, on 07.10.2015 at about 10.30 p.m., the petitioner along with 6 others trespassed into the residential home of the informant and assaulted the informant, her son-in-law and sister.

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 the allegations are grossly embellished and the incident of the nature alleged by the prosecution had not taken place.

6. The learned Public Prosecutor, on the other hand, opposed the application. However after perusing the case diary and the wound certificate, submitted that the injuries sustained by the informant and others are trivial. I do not think in the facts and circumstances custodial interrogation is warranted.

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 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