

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

THURSDAY, THE 29TH DAY OF OCTOBER 2015/7TH KARTHIKA, 1937

Bail Appl..No. 6774 of 2015 ()

CRIME NO. 1024/2015 OF NJARAKKAL POLICE STATION, ERNAKULAM DISTRICT

PETITIONER/ACCUSED :

**SHABIN, AGED 38 YEARS
S/O.VISWANATHAN, PUTHUMVELI HOUSE,
NAYARAMABLAM P.O., ERNAKULAM DISTRICT.**

**BY ADVS.SRI.C.P.PEETHAMBARAN
SMT.MINI V.A.**

RESPONDENT/COMPLAINANT :

**STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM-682 031.**

BY PUBLIC PROSECUTOR SMT. R. REMA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 29-10-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Mn

A.HARIPRASAD, J.

B.A No.6774 of 2015

Dated this the 29th day of October, 2015.

ORDER

Application for pre-arrest bail under Section 438 Cr.P.C.

2. Petitioner is the accused in Crime No.1024 of 2015 of Njarackal Police Station registered for offences punishable under Sections 452, 323, 506(i), 294(b) and 354 I.P.C.

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

4. Prosecution case, in short, is that the accused trespassed into the house of the defacto complainant, a lady and assaulted her. According to the defence case, the defacto complainant's husband and brothers attacked the petitioner and in connection with that incident, he had to be taken to hospital. To circumvent the difficulties, this false case is filed.

5. Learned Public Prosecutor submitted that there is a counter case registered in connection with the incident. The allegation against the accused in respect of Section 354 I.P.C is

only that he stamped on the abdomen of the defacto complainant. Considering the facts and circumstances of the case, following directions are made :

1. Petitioner shall surrender before the investigating officer within a period of one week from today and submit himself for interrogation. In that event, the petitioner shall be released on bail on executing a bond for Rs.25,000/- (Rupees twenty five thousand only) with two solvent sureties each for the like sum to the satisfaction of the Investigating Officer.
2. The sureties shall produce documents to establish their identity and solvency. The Investigating Officer need not insist on the solvency certificate, but other documents can also be perused to find out whether the sureties are solvent or not.
3. Petitioner shall appear before the Investigating Officer as and when directed.
4. Petitioner shall not influence or intimidate witnesses.

If any of the above conditions is violated by the petitioner, the learned Magistrate having jurisdiction is free to cancel the bail.

amk

Sd/-
A.HARIPRASAD,
JUDGE.