

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

THURSDAY, THE 19TH DAY OF NOVEMBER 2015/28TH KARTHIKA, 1937

Bail Appl..No. 6849 of 2015 ()

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CRIME NO. 1612/2015 OF NORTH PARAVUR POLICE STATION.**

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PETITIONER/ACCUSED:

**FRANCIS K.S., AGED 45 YEARS,
S/O. K.J. SABASTIAN @ DEVASIA, KUNNATH HOUSE,
KOTTUVALLY, KAITHARAM P.O., PIN- 683 519.**

BY ADV. SRI.KISHOR B.

RESPONDENT(S):

**STATE OF KERALA,
THROUGH THE SUB INSPECTOR OF POLICE,
NORTH PARAVUR POLICE STATION,
ERNAKULAM DISTRICT,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**

BY PUBLIC PROSECUTOR SMT.T.Y. LALIZA.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 19-11-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

rs.

A.HARIPRASAD, J.

B.A. No.6849 of 2015

Dated this the 19th day of November, 2015

ORDER

Application under Section 438 of the Code of Criminal Procedure.

2. Petitioner is the accused in Crime No.1612 of 2015 of North Paravoor Police Station registered alleging offences punishable under Sections 341, 323 and 354 of the Indian Penal Code. He seeks pre-arrest bail.

3. Petitioner is the brother-in-law of the defacto complainant. As per the first information statement, the defacto complainant and family along with the petitioner and family are residing in a family house. There is some dispute between the parties. Prosecution case is that on 22.10.2015 at 6.30 a.m., the petitioner assaulted the defacto complainant and tore her wearing apparel.

4. Heard both sides. Perused the case diary.

Considering the materials, I do not find any need to have a custodial interrogation in this matter. Hence the following order:

i. Petitioner shall surrender before the investigating officer within a period of two weeks and submit himself for interrogation.

Thereafter he shall execute a bond for ₹25,000/- (Rupees twentyfive thousand only) with two solvent sureties each for the like sum to the satisfaction of the investigating officer. In that event, he shall be released on bail in Crime No.1612 of 2015 of North Paravoor Police Station.

ii. The sureties shall produce documents to establish their identity and solvency. The investigating officer shall not insist on the solvency certificate, but other documents can also be perused to find out whether the sureties are solvent or not.

iii. Petitioner shall appear before the investigating officer as and when directed and co-operate with the investigation in the matter.

iv. He shall not influence or intimidate the witnesses.

In case of violation of any of the above conditions, the officer concerned is free to arrest the petitioner as if no order is passed.

A. HARIPRASAD, JUDGE.

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