

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

FRIDAY, THE 13TH DAY OF NOVEMBER 2015/22ND KARTHIKA, 1937

Bail Appl..No. 6987 of 2015 ()

**CRIME NO. 1009/2015 OF AIROOR POLICE STATION,
THIRUVANANDAPURAM DISTRICT**

PETITIONER/2ND ACCUSED :

**SAJITH @ KUTTAN, AGED 33 YEARS,
S/O. SHIVA PRASAD, RESIDING AT THIRUVATHIRA,
VENKULAM, EDAVA P.O, THIRUVANANTHAPURAM.**

**BY ADVS.SRI.D.KISHORE
SMT.MINI GOPINATH**

RESPONDENTS/STATE AND COMPLAINANT :

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

**2. THE SUB INSPECTOR OF POLICE
AYIROOR POLICE STATION,
THIRUVANANTHAPURAM DISTRICT.**

R1 & R2 BY PUBLIC PROSECUTOR SMT. T.Y. LALIZA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 13-11-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

bp

A.HARIPRASAD, J.

B.A. No.6987 of 2015

Dated this the 13th day of November, 2015

ORDER

Application under Section 438 of the Code of Criminal Procedure.

2. Second accused in Crime No.1009 of 2015 of Ayiroor Police Station registered for offences punishable under Sections 143, 147, 148, 149, 323, 324, 452, 354, 294(b), 427 and 506(ii) read with Section 34 of the Indian Penal Code seeks pre-arrest bail.

3. Prosecution case is that on 07.10.2015 at 10.30 p.m., the petitioner along with other accused trespassed into the residential building of the defacto complainant and caused extensive damage to the fittings.

4. Heard both sides.

5. Learned counsel for the petitioner submitted that there is no material to connect the petitioner with an offence under Section 354 of the Indian Penal Code.

On perusal of the first information statement, I find no material to think that a custodial interrogation is necessary in this case. First accused has been released on pre-arrest bail as per order in B.A.No.6746 of 2015. Considering the fact and circumstances, pre-arrest bail is granted to the petitioner with following conditions:

i. Petitioner shall be released on bail after interrogation on

his executing a bond for ₹25,000/- (Rupees twentyfive thousand only) with two solvent sureties each 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. Petitioner shall make himself available for interrogation as and when required by the investigating officer.

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

v. He shall not commit any similar offence while on bail.

vi. He shall not leave India without the previous permission of the jurisdictional Magistrate.

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

A. HARIPRASAD, JUDGE.

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