

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE RAJA VIJAYARAGHAVAN V

FRIDAY, THE 27TH DAY OF NOVEMBER 2015/6TH AGRAHAYANA, 1937

Bail Appl..No. 7074 of 2015 ()

CRIME NO. 1475/2015 OF PAYYANNUR POLICE STATION,KANNUR DISTRICT

PETITIONER(S)/ACCUSED NOS.1, 2 AND 4 :

- 1. PAVITHRAN P.V., AGED 42 YEARS,
S/O.AMBU, VELLAT, P.O.KHAYIKODE,
CHERUVATHOOR, KASARAGOD DISTRICT.**
- 2. VALSARAJAN.C., AGED 38 YEARS,
S/O.LATE BHASKARAN, KUTHIRUMMAL,
KARIVELLUR P.O., KANNUR DISTRICT**
- 3. ANILKUMAR K.K., AGED 39 YEARS,
S/O.T.C.V.CHATHAPPA PODUVAL, ANNUR P.O.,
PAYYANNUR -670 332, KANNUR DISTRICT**

**BY ADVS.SRI.M.SASINDRAN
SRI.A.ARUNKUMAR**

RESPONDENT(S)/COMPLAINANT & STATE :

- 1. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682 031**
- 2. THE STATION HOUSE OFFICER,
(CRIME NO.1475 OF 2015 OF PAYYANNUR POLICE STATION),
KANNUR DISTRICT- 670 001**

BY PUBLIC PROSECUTOR SRI.DHANESH MATHEW MANJOORAN

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 27-11-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

sts

RAJA VIJAYARAGHAVAN.V. J

B.A.7074 of 2015

Dated 27th November, 2015

ORDER

1. This application is filed u/s 438 of the Code of Criminal Procedure.
2. The petitioners herein are accused Nos.1, 2 and 4 in crime No.1475 of 2015 of Payyannur police station. The aforesaid crime has been registered alleging offence punishable u/s 341, 332 r/w S.34 of the IPC.
3. The gist of the prosecution allegation is that on 20.10.2015 at 7.15 pm, the petitioners who are employees of the Payyannur depot of the KSRTC intercepted the KSRTC bus driven by the de facto complainant and threw some irritants on the body of the de facto complainant and on the body of Sindhu, the conductor of the said bus.

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

5. The learned counsel appearing for the petitioners basing on Annexure-I day book obtained under the Right to Information Act, submitted that petitioners have nothing to do with the offence which was perpetrated by some antisocial elements. It is further submitted that the de facto complainant and the petitioners are known to each other, and if that be the case, omission to name the petitioners when complaint was filed before the higher officials would reveal their innocence.

6. The learned Public Prosecutor on the other hand, submitted that the act committed by the petitioners is very objectionable and pre-arrest bail is not to be granted.

7. From the nature of allegations, I am of the view that custodial interrogation of the accused persons is not

warranted.

8. In the result, the application can be allowed with the following directions:

i. Petitioners shall, within a period of one week, surrender before the investigating officer and submit themselves for interrogation. Thereafter, the petitioners shall execute a bond for Rs. 50,000/- (Rupees Fifty Thousand only) each with two solvent sureties each for the like sum to the satisfaction of the investigating officer. In that event, they shall be released on bail.

ii. Petitioners shall appear before the investigating officer at 10.00 a.m. on the next two consecutive days and submit themselves for interrogation.

iii. If the investigating officer requires the attendance of the petitioners on any further occasion than the days

mentioned above, he can direct the petitioners in writing to appear and co-operate with the investigation.

iv. Petitioners shall surrender their passports before the Magistrate concerned in one week from the date of appearance before the investigating officer. If any of the accused does not have a passport, he shall swear to an affidavit showing that fact and submit it before the learned Magistrate having jurisdiction.

v. Petitioners shall not influence or intimidate the witnesses. They shall not meddle in any manner with the investigation.

vi. If any of the conditions above is violated, the Magistrate having jurisdiction is empowered to cancel the bail in accordance with law without referring the matter to this Court.

The application is allowed of as
above.

Sd/-

RAJA VIJAYARAGHAVAN.V.
Judge

MrCs

/True copy/

P.S to Judge