

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE BABU MATHEW P.JOSEPH

THURSDAY, THE 12TH DAY OF NOVEMBER 2015/21ST KARTHIKA, 1937

Bail Appl. No. 7184 of 2015 ()

**AGAINST THE ORDER/JUDGMENT IN CRMP 2733/2015 of D.C & SESSIONS COURT,
PALAKKAD DATED 15-10-2015
CRIME NO. 942/2015 OF WALAYAR POLICE STATION , PALAKKAD**

PETITIONER/ ACCUSED:

**SATHEESHKUMAR, AGED 25 YEARS,
S/O. RAMAKRISHNAN, KOPPANPURAM, SURYA NAGAR,
KANJIKODE, PALAKKAD.**

BY ADV. SRI. RAJESH SIVARAMANKUTTY

RESPONDENT / COMPLAINANT:

**STATE OF KERALA,
REPRESENTED BY S.I OF POLICE, WALAYAR POLICE STATION,
PALAKKAD DISTRICT, REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**

BY PUBLIC PROSECUTOR SMT. MADHUBEN. M.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 12-11-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

BABU MATHEW P. JOSEPH, J.

B.A. No.7184 of 2015

Dated this the 12th day of November, 2015

ORDER

This petition is filed under Section 438 of Cr.P.C. for anticipatory bail.

2. Heard the learned counsel appearing for the petitioner and the learned Public Prosecutor appearing for the respondent.

3. Learned counsel for the petitioner submits that Walayar police has registered Crime No.942 of 2015 against three identifiable persons alleging the offence under Section 3(2)(e) of the Prevention of Damage to Public Property Act. The police threatened to arrest the petitioner in the case. Under such a circumstance, he has preferred this Bail Application. The petitioner is innocent of the allegations raised in the case. He has no criminal antecedents. The investigation of the case has progressed much. The custodial interrogation of the

petitioner is not required. He further submits that the petitioner apprehends arrest by the police at any time.

4. Learned Public Prosecutor has opposed this petition. She submits that the police has registered the case against three identifiable persons. The accused in this case caused a loss of Rs.10,000/- by way of breaking the wind screen of the bus belonging to the Tamilnadu State Transport Corporation. After hearing both the sides and considering the facts and circumstances, this Court is of the view that the petitioner can be granted anticipatory bail imposing appropriate conditions.

5. Therefore, the petitioner is granted anticipatory bail subject to the following conditions:

1. The petitioner shall surrender before the Investigating Officer on or before 20.11.2015. In the event of his arrest, he shall be released on bail on his executing a bond for ₹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 petitioner shall deposit Rs.10,000/- (Rupees ten thousand only) in the concerned Magistrate's Court. He shall be released on bail in the event of his arrest only after making such deposit by him. If the petitioner is acquitted of the concerned offence he will be entitled to receive back the amount so deposited from the court. If he is convicted for such offence, the amount so deposited shall be at the disposal of the concerned Magistrate.
3. 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 or her from disclosing such facts to the Court or to any Police Officer.
4. The petitioner shall make himself available for interrogation as and when required by the Investigating Officer.
5. The petitioner shall not influence or intimidate the prosecution witnesses nor shall he attempt to tamper with the evidence for the prosecution.
6. The petitioner shall not commit any similar offence while on bail.

7. The petitioner shall not leave India without the previous permission of the concerned Magistrate's Court.

This petition is allowed as above.

Sd/-
BABU MATHEW P. JOSEPH
JUDGE

ww/12/11/2015