

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

TUESDAY, THE 15TH DAY OF DECEMBER 2015/24TH AGRAHAYANA, 1937

Bail Appl..No. 7534 of 2015 ()

CRIME NO. 360/2015 OF POZHIYOOR POLICE STATION, THIRUVANANTHAPURAM.

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PETITIONER/ACCUSED:

**RAJAYYAN, AGED 70 YEARS,
S/O. BALAN, MYLADI, KULATHOOR,
UCHAKADA, TRIVANDRUM.**

BY ADV. SRI.M.R.SARIN.

RESPONDENTS/STATE/DEFACTO COMPLAINANT:

- 1. STATE OF KERALA,
REPRESENTED THROUGH THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682 031.**
- 2. THE SUB INSPECTOR OF POLICE,
POZHIYOOR POLICE STATION,
REPRESENTED THROUGH 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 15-12-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

rs.

A.HARIPRASAD, J.

B.A. No.7534 of 2015

Dated this the 15th day of December, 2015

ORDER

Application under Section 438 of the Code of Criminal Procedure.

2. Accused in Crime No.360 of 2015 of Pozhiyoor Police Station registered for offences punishable under Sections 447, 354 and 427 of the Indian Penal Code seeks pre-arrest bail.

3. Prosecution case is that the accused and the defacto complainant were enmical on account of property dispute. The accused pushed the defacto complainant by catching her shoulder.

After hearing the learned counsel for the petitioner and the learned Prosecutor, I am of the view that custodial interrogation of the petitioner may not be necessary in this case. 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.360 of 2015 of Pozhiyoor 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 for interrogation and co-operate with the investigation.

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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