

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

THURSDAY, THE 10TH DAY OF DECEMBER 2015/19TH AGRAHAYANA, 1937

Bail Appl..No. 7613 of 2015 ()

CRIME NO. 2160/2015 OF KURUPPAMPADY POLICE STATION, ERNAKULAM.

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PETITIONERS/ACCUSED NOS. 1 & 2:

- 1. LINTO LIJO, AGED 17 YEARS,
S/O.LIJO, MANAKUZHY HOUSE,
KOCHUPURACKAL KADAVU, PARIYETIL P.O., KOMBANAD,
ERNAKULAM DISTRICT, REP. BY HIS GUARDIAN MR.LIJO,
MANAKUZHY HOUSE, KOCHUPURACKAL KADAVU,
PARIYETIL P.O., KOMBANAD, ERNAKULAM DISTRICT.**
- 2. NIKHIL BABU, S/O.BABU, AGED 22 YEARS,
NJALoopADY, PANIYELI P.O., PANIYELI,
ERNAKULAM DISTRICT.**

**BY DR.K.P.SATHEESAN, SENIOR ADVOCATE.
ADVS. SRI.P.MOHANDAS (ERNAKULAM),
SRI.ANOOP.V.NAIR.**

RESPONDENTS/COMPLAINANT:

- 1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM - 682 031.**
- 2. STATION HOUSE OFFICER,
KURUPPAMPADY POLICE STATION,
KURUPPAMPADY, ERNAKULAM DISTRICT-683 545.**

BY PUBLIC PROSECUTOR SMT.TY. LALIZA.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 10-12-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

rs.

A.HARIPRASAD, J.

B.A No.7613 of 2015

Dated this the 10th day of December, 2015.

ORDER

Application for pre-arrest bail under Section 438 Cr.P.C.

2. Out of the two petitioners, first petitioner is a juvenile.

Therefore, no pre-arrest bail plea can be entertained by this Court as he cannot be arrested under the provisions of the Juvenile Justice (Care and Protection of Children) Act, 2000. Hence, his bail application stands dismissed.

3. Second petitioner is the accused in Crime No.2160 of 2015 of Kuruppampady Police Station registered for offences punishable under Sections 323, 294(b), 506(1) and 332 r/w Section 34 I.P.C.

3. Prosecution case, in short, is that on 11-11-2015 at about 2.10 p.m., the second petitioner along with the juvenile picked up a quarrel with the driver of a K.S.R.T.C bus and the juvenile attacked the conductor of the K.S.R.T.C bus. There is no allegation that the second petitioner of committing any overt act. He only abused.

Considering the nature of allegations, I am inclined to grant pre-arrest bail to the second petitioner. Hence, following directions are made :

1. Second petitioner shall surrender before the investigating officer within a period of two weeks from today and submit himself for interrogation. In that event, he shall be released on bail on executing a bond for Rs.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 sureties shall produce documents to establish their identity and solvency. The Investigating Officer need not insist on the solvency certificate, but other documents can also be perused to find out whether the sureties are solvent or not.
3. Petitioner shall appear before the Investigating Officer as and when directed.
4. Petitioner shall not influence or intimidate witnesses.

5. If any of the above conditions is violated by the petitioner, the learned Magistrate having jurisdiction is free to cancel the bail.

**A.HARIPRASAD,
JUDGE.**

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