

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

TUESDAY, THE 8TH DAY OF DECEMBER 2015/17TH AGRAHAYANA, 1937

Bail Appl..No. 7630 of 2015

CRIME NO. 682/2015 OF ULIKKAL POLICE STATION, KANNUR DISTRICT.
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APPLICANT/ACCUSED:

**KANDATHIKUDIYIL JOY,
AGED 51 YEARS, S/O.DEVASIA,
FARMER, KANDATHIKUDIYIL HOUSE,
ULICKAL P.O, EAZHOOR.**

**BYSRI.P.VIJAYA BHANU (SENIOR ADVOCATE)
ADVS.SRI.V.C.SARATH
SMT.MITHA SUDHINDRAN**

RESPONDENT/COMPLAINANT:

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

BY PUBLIC PROSECUTOR SMT.R.REMA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 08-12-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

mbr/

A.HARIPRASAD, J.

B.A No.7630 of 2015

Dated this the 8th day of December, 2015.

ORDER

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

2. Petitioner is the accused in Crime No.682 of 2015 of Ulickal Police Station registered for an offence punishable under Section 436 I.P.C.

3. Heard the learned Senior Counsel for the petitioner and the learned Public Prosecutor.

4. Prosecution case, in short, is that on 08-11-2015 at about 3.00 p.m., the petitioner broke open the front door of the congress party local committee office and set fire to the table and files inside the office room.

5. Learned Senior Counsel for the petitioner submitted that though the incident was on 08-11-2015 at about 3.00 p.m, the first information statement was launched only on 09-11-2015 at about 2.00 p.m. The petitioner was a rebel candidate contested in the local body election. The office bearers of the party were enmical towards

the petitioner for the reason that he contested against the party norms. He is falsely implicated in the case. Learned Public Prosecutor opposed the bail application. It is submitted that he has committed a grave offence and thereby caused a loss of Rs.15,000/-. Considering the nature of allegations, following directions are made :

1. 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 deposit a sum of Rs.15,000/- (Rupees fifteen thousand only) before the learned Magistrate within a period of one week after execution of bond.
4. Petitioner shall appear before the Investigating Officer as and when directed.
5. Petitioner shall not influence or intimidate witnesses.
6. If any of the above conditions is violated by the petitioner, the learned Magistrate having jurisdiction is free to cancel the bail.

**Sd/-
A.HARIPRASAD,
JUDGE.**

amk

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P.A to Judge