

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.SUDHEENDRA KUMAR

WEDNESDAY, THE 9TH DAY OF DECEMBER 2015/18TH AGRAHAYANA, 1937

Bail Appl..No. 7653 of 2015

CRIME NO. 1243/2015 OF PATHANAPURAM POLICE STATION, KOLLAM

PETITIONER/ACCUSED:

**MATHAN, AGED 55 YEARS,
RESIDING NEAR SFCK ESTATE COLONY, KUMARAMKUDY,
PIRAVANTHOOR VILLAGE, KOLLAM DISTRICT.**

BY ADV. SRI.SYAM J SAM

RESPONDENT/COMPLAINANT:

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

BY PUBLIC PROSECUTOR SMT.LALIZA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 09-12-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

PJ

B. SUDHEENDRA KUMAR, J.

Bail Appl. No.7653 of 2015

Dated this the 9th day of December 2015

ORDER

This is an application filed under Sec.438 Cr.P.C.

2. Petitioner is the 1st accused in Crime No.1243 of 2015 of Pathanapuram Police station registered under Secs.143, 147, 148, 447, 427, 294(b) and 506(ii) read with Sec.149 of the Indian Penal Code and Sec.27 of the Arms Act.

3. The prosecution case can be briefly stated as follows:-

SFCK is the company of the defacto complainant. The petitioner permitted the cattle of the petitioner to trespass into the estate of the defacto complainant for grazing. The cattle damaged so many rubber saplings. The estate people took the cattle to the pound belonging to the defacto complainant and kept them there. While so, the petitioner along with the other

accused trespassed into the estate and forcefully took away the cattle from there. The defacto complainant sustained damage to the tune of Rs.49,000/- in the incident. The incident was on 23.08.2015.

3. Heard the learned counsel for the petitioner and the learned Public Prosecutor.

4. It has been submitted by the learned Public Prosecutor that the petitioner is not involved in any other offence of similar nature. Even though it is alleged that the petitioner carried sword, he did not attack anybody with the sword.

5. It appears that the petitioner forcefully brought the cattle from the pound of the defacto complainant and in that process and due to the grazing by the cattle, the defacto complainant sustained a loss to the tune of Rs.49,500/-.

6. Considering the facts and circumstances of the case, I am of the view that custodial interrogation of the petitioner is not necessary for the progress of investigation. In the said circumstances, an order under

Sec.438 Cr.P.C. in favour of the petitioner will be justified in this case.

In the result, the bail application stands allowed and the respondent is directed to release the petitioner on bail in the event of his arrest in Crime No.1243 of 2015 of Pathanapuram Police station on condition of the petitioner depositing an amount of Rs.25,000/- and simultaneously 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 Sub Inspector of Police, Pathanapuram Police station, before whom the petitioner shall surrender within ten days from today, if not arrested in the meantime and subject to the following further conditions.

1. The petitioner shall report before the investigating officer as and when required by the investigating officer in writing to do so.

2. The petitioner shall not get involved in any other offence while on

bail.

3. The petitioner shall not intimidate or influence the witnesses or in any way tamper with the investigation.

If the petitioner deposits the amount as directed above, the Sub Inspector of Police shall deposit the said amount before the Court below on the same day.

Sd/-
B. SUDHEENDRA KUMAR
JUDGE

/ True Copy /

NS/09/12/2015

P.A. To Judge