

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.P.JYOTHINDRANATH

FRIDAY, THE 18TH DAY OF DECEMBER 2015/27TH AGRAHAYANA, 1937

Bail Appl..No. 7654 of 2015

CRIME NO. 927/2015 OF VILAPPILSSALA POLICE STATION, THIRUVANANTHAPURAM.
.....

PETITIONER/ACCUSED:

**ANIL, 30 YEARS, MAILADIYIL,
MAILAMOODU, VILAPPIL VILLAGE,
THURUTHIMoola MURI,
THIRUVANANTHAPURAM 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.MADHUBEN.M

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 18-12-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

mbr/

K.P.JYOTHINDRANATH, J.

B.A.No.7654 OF 2015

Dated this the 18th day of December, 2015

ORDER

This is an application filed under Section 438 of the Code of Criminal Procedure, 1973. When the application came up for hearing, the learned counsel for the petitioner submitted that the petitioner is apprehending arrest and detention in connection with Crime No.927/2015 of Vilappilsala police station, where the major crime is under Sections 326 and 308 read with Section 34 of IPC.

2. The learned counsel for the petitioner submitted before me that Section 326 is incorporated without any basis. There is no fracture or any injury sustained which will come under the definition of Section 320 of IPC. It is the further submission that when Section 324 is therein and incorporation of Section 308 is only to deny bail. It is the further submission that the petitioner is ready to co-operate with the investigation.

3. I heard the learned Public Prosecutor. The learned Public Prosecutor submitted before me that after perusal of the records, it is found that no fracture sustained. But the defacto complaint was hospitalised for more than 20 days. Thus it can be seen that it will come under the definition of Section 320 of IPC.

4. The learned counsel for the petitioner submitted that even if there is inpatient treatment for more than twenty days, it may not automatically bring an offence under Section 320 of IPC. There should be positive proof regarding the ingredients of the offence.

5. Thus, considering the totality of the case, the following order passed :

1) The petitioner shall appear before the Investigating Officer within ten days of this order. On such appearance, the Investigating Officer is at liberty to interrogate the petitioner. After interrogation, if the police officer feels that arrest is necessary, he is at liberty to arrest the petitioner. After arrest, the investigating officer is at liberty to conduct recovery, if necessary. Thereafter, the petitioner shall be released on bail on executing a bond for Rs.25,000/- with two solvent

sureties each for the like amount to the satisfaction of the officer concerned.

2) After release on bail, the petitioner shall appear before the Investigating Officer on all Wednesdays and Saturdays in between 10 a.m. and 12 noon for a period of three months.

3) The petitioner shall not commit similar offences during the bail period.

4) The petitioner shall not influence or intimidate the witnesses. The petitioner shall co-operate with the investigation.

On the above conditions, this anticipatory bail application is allowed.

K.P.JYOTHINDRANATH
JUDGE

SV.