

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. 7727 of 2015

**CRIME NO. 3275/2015 OF THRISSUR TOWN EAST POLICE STATION ,
THRISSUR DISTRICT**

APPLICANT/IST ACCUSED :

**ARUN XAVIER, AGED 19 YEARS,
S/O.XAVIER, PAREKKATTIL HOUSE, NELLIKKUNNU,
KIZHAKKEKKOTTA, THRISSUR - 682 005.**

**BY ADVS.SRI.SANTHOSH P.PODUVAL
SMT.R.RAJITHA
SMT.VINAYA V.NAIR**

RESPONDENT(S)/STATE :

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

BY PUBLIC PROSECUTOR SMT.HYMA

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

Msd.

K.P. JYOTHINDRANATH, J.

B.A. No.7727 of 2015

Dated this the 18th day of December, 2015

O R D E R

This is an application filed under Section 438 of the Code of Criminal Procedure.

2. When the petition came up for hearing, the learned counsel for the petitioner submitted before me that the petitioner apprehends arrest and detention in connection with crime No.3275/2015 of Thrissur Town East Police Station. It is also the submission that even though Section 308 is incorporated by the police, the petitioner had not committed any offence as such. It is the submission that it is reliably learned that the defacto complainant has got no such injury which will attract an offence under Section 308 of IPC.

3. I heard the learned Public Prosecutor.

4. The learned Public Prosecutor fairly conceded that the injuries as per the record available with the Prosecutor is only a tenderness and abrasions.

5. After considering the totality of the case, I feel

that it is a fit case to grant anticipatory bail on the following conditions:

- 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 this is a case where arrest is necessary, he is at liberty to arrest the petitioner. After arrest, if any recovery is necessary, that also can be made. Thereafter the petitioner 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 amount to the satisfaction of the officer concerned. After release on bail, the petitioner shall appear before the Investigating Officer on all Saturdays in between 10 a.m and 12 noon for a period of two months.
- 2) The petitioner shall not commit similar offences during the bail period.

3) The petitioner shall not influence or intimidate the witnesses.

4) The petitioner shall co-operate with the investigation.

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

Sd/-

**K.P. JYOTHINDRANATH
JUDGE**

//True copy//

P.A. TO JUDGE

shg/