

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

FRIDAY, THE 23RD DAY OF JANUARY 2015/3RD MAGHA, 1936

Bail Appl..No. 7719 of 2014

CRIME NO. 1285/2014 OF MUSEUM POLICE STATION , THIRUVANANTHAPURAM

PETITIONER/ACCUSED:

MUHAMMED YOONUS, AGED 30 YEARS
S/O.ABDUL YASEEN, SHEMIN VILASAM
VAZHAVILA, CHULLIMANOR, THIRUVANANTHAPURAM

BY ADVS.SRI.M.R.SARIN
SRI.M.R.SASITH

RESPONDENTS/STATE/DEFACTO COMPLAINANT:

1. THE STATE OF KERALA,
REPRESENTED BY REPRESENTED THROUGH THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM.
2. THE SUB INSPECTOR OF POLICE,
MUSEUM POLICE STATION
REPRESENTED THROUGH THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR, SMT.LALIZA T.Y.

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
23-01-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

B.KEMAL PASHA, J.

B.A.No.7719 of 2014

Dated this the 23rd day of January 2015

ORDER

Petition under Section 438 Cr.P.C.

2. Petitioner is the accused in Crime No.1285/2014 of Museum police station, Thiruvananthapuram district registered for the offences punishable under Sections 294(b), 341, 332, and 427 of the Indian Penal Code

3. The allegation against the petitioner is that on 15.10.2014 at 3 p.m., he caused to hit his Maruti Swift Dzire car on the rear side of a K.S.R.T.C bus, bearing registration number R.R.C. 708 being driven by the de-facto complainant and the petitioner fisted the de-facto complainant, who was sitting in the driving seat of the bus, by opening the door of the driver's cabin. As the trip could

not be continued by the de-facto complainant, K.S.R.T.C. sustained a wrongful loss of Rs.7,000/-.

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

5. The learned counsel for the petitioner has pointed out that the petitioner was taking his pregnant wife, by his car, for meeting the doctor, and deliberately, the de-facto complainant, who was driving the K.S.R.T.C. bus did not give side to the car and after some time, being irritated by the horn, the de-facto complainant stopped the K.S.R.T.C. bus on the road at the middle, thereby obstructing the passage of the vehicles and abused the petitioner. The local people and the persons in other vehicles gathered and reacted towards the K.S.R.T.C. driver.

6. The contents of the C.D. shows every reason to believe the possibility of the versions given by the learned counsel for the petitioner. Considering the facts and circumstances of the case, I

do not think that the custodial interrogation of the petitioner is required for the continued investigation of the case. Matters being so, I am of the view that this is a fit case wherein anticipatory bail can be granted to the petitioner.

7. In the result, this bail application is allowed and the investigating officer or such other police officer, who is conducting the arrest of the petitioner, is directed to enlarge the petitioner on bail in the event of his arrest on his 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 officer conducting arrest, and subject to the following terms and conditions:-

(i) The petitioner shall report before the investigating officer in between 9 a.m. and 11 a.m. on all Fridays and Tuesdays, commencing from 30.1.2015 for a period of three months or till the filing of the final report in this case, whichever is earlier.

(ii) The petitioner shall not tamper with the

evidence or influence witnesses.

(iii) The petitioner shall make himself available for interrogation as and when required by the investigating officer.

(iv) The petitioner shall not involve in any offence while on bail.

It is made clear that the violation of any of the conditions stipulated above will result in the cancellation of bail.

Sd/-

B.KEMAL PASHA,
JUDGE

dl

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PA to Judge