

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE RAJA VIJAYARAGHAVAN V

MONDAY, THE 21ST DAY OF DECEMBER 2015/30TH AGRAHAYANA, 1937

Bail Appl..No. 7787 of 2015

CRIME NO. 2018/2015 OF VAIKOM POLICE STATION, KOTTAYAM

PETITIONER/ACCUSED:

SUDHEER K @ SUMOD, AGED 35 YEARS
S/O. KARTHIKEYAN, S/O. SUBI BHAVANAM
PADATHUVEETIL HOUSE, MEKKARA, MANGALAM VILLAGE
KOTTAYAM DISTRICT.

BY ADV. SRI.J.ABHILASH

RESPONDENT

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

BY PUBLIC PROSECUTOR SRI.V.S.SREEJITH

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 21-12-2015, THE
COURT ON THE SAME DAY PASSED THE FOLLOWING:

RAJA VIJAYARAGHAVAN.V. J

B.A. 7787 of 2015

Dated 21st December, 2015

ORDER

- 1.This application is filed u/s 438 of the Code of Criminal Procedure seeking pre-arrest bail.
- 2.The petitioner is the sole accused in crime No.2018 of 2015 of Vaikom police station. The said crime has been registered alleging offence punishable u/s 294 (b), 323, 332 of the IPC.
- 3.The prosecution allegation is that on 21.11.2015 at about 2.00 p.m., the petitioner had assaulted the de facto complainant, who is a KSEB employee and caused obstruction to his official duty.
- 4.I have heard the learned counsel appearing for the petitioner as well as the learned Public Prosecutor.
- 5.The learned counsel appearing for the petitioner has

submitted that there are no criminal antecedents against the petitioner and the allegations against him raised by the de facto complainant are actuated by malice.

6.The learned Public Prosecutor on the other hand, has opposed the prayer for pre-arrest bail.

7.After having considered the rival submissions, the nature and gravity of the allegations, the antecedents of the petitioner and the other circumstances, I am of the view that anticipatory bail can be granted to the petitioner by imposing appropriate conditions.

8.In the result, this application is allowed subject to the following conditions:

- i). The petitioner shall be released on bail after interrogation on his executing a bond for 25,000/- with two solvent sureties each for the like sum if he is arrested by the Police in connection with this case.
- ii). The petitioner shall not directly or indirectly make any inducement, threat or promise to any

person acquainted with the facts of the case so as to dissuade him/ her from disclosing such facts to the court or to any police officer.

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

iv). The petitioner shall not influence or intimidate the prosecution witnesses or attempt to tamper with the evidence for the prosecution.

v). The petitioner shall not commit any similar offence while on bail.

vi). The petitioner shall not leave India without the previous permission of the jurisdictional magistrate.

vii). In case of violation of any of the above conditions, the jurisdictional magistrate shall be empowered to cancel the bail in accordance with law.

Sd/-

**RAJA VIJAYARAGHAVAN.V.
Judge**

MrCs

//True Copy//

P.S To Judge