

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.P.JYOTHINDRANATH

THURSDAY, THE 17TH DAY OF DECEMBER 2015/26TH AGRAHAYANA, 1937

Bail Appl..No. 7891 of 2015 ()

**CRIME NO. 2683/2015 OF MATHILAKOM POLICE STATION,
TRISSUR DISTRICT**

PETITIONERS/1ST AND 2ND ACCUSED :

- 1. POOJESH, AGED 29 YEARS,
S/O. JANARDHANAN, PUTHOOR VEEDU,
CHENTHRAPPINNI, EDATHIRUTHY PANCHAYATH.**
- 2. SREEJITH, AGED 29 YEARS,
S/O.UNNIKRISHNAN, VALORA HOUSE,
CHENTRAPPINNI, EDATHIRUTHY PANCHAYATH.**

**BY ADVS.SRI.NAGARAJ NARAYANAN
SRI.SAIJO HASSAN**

RESPONDENT/STATE :

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

BY PUBLIC PROSECUTOR SMT. SEENA RAMAKRISHNAN

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 17-12-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

bp

K.P.JYOTHINDRANATH, J.

B.A.No.7891 of 2015

Dated this the 17th day of December, 2015

ORDER

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

2. The petitioners are apprehending arrest and detention in connection with Crime No.2683/2015 of Mathilakam Police Station, Thrissur. When the application came up for hearing, the learned counsel appearing for the petitioners submitted before me that an offence under Section 324 is now given a colour of Section 308 of IPC and the petitioners are apprehending arrest and detention.

3. The learned Public Prosecutor submitted that, here is a case where the first accused used knife and inflicted injury on the head of the defacto complainant. An incised wound can be seen from the wound certificate. At this juncture, the learned counsel for the petitioners submitted that, even a lacerated wound may have an appearance of an incised wound in the head area and the prosecution story is not correct.

4. After hearing the submissions and also after perusing the case diary, I feel that it may not be proper to grant anticipatory bail to the first petitioner. The recovery and interrogation may be necessary. Hence the anticipatory bail application of the first petitioner is hereby dismissed.

5. The allegation against the second petitioner is that, he used a stick. It can be seen that apart from an allegation of pain on the

right angle, there is no corresponding injury on the leg. Therefore considering the totality of the case, anticipatory bail application of the second petitioner can be granted on the following conditions :

1. The second petitioner shall appear before the Investigating Officer within ten days from the date of this order. On such appearance, the Investigating Officer is at liberty to interrogate the petitioner. If the interrogation is not over on that day, the Investigating Officer is at liberty to continue the interrogation on the next day or any other day as he desires and after such interrogation, if the Investigating 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 ₹25,000/- (Rupees Twenty thousand only) with two solvent sureties each for the like sum to the satisfaction of the officer concerned.

2. After release on bail, the petitioner shall appear before the Investigating Officer on all Saturdays in between 10.00 a.m and 12.00 noon for a period of two months.

3. The petitioner shall not commit similar offence

during the bail period.

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

The anticipatory bail application of 1st petitioner is dismissed.
The anticipatory bail application of 2nd petitioner is allowed as stated above.

Sd/-
K.P.JYOTHINDRANATH, JUDGE

AV

The word “petitioner” wherever it occurs in paragraphs 4 and 5 and conditions imposed in the final order dated 17/12/2015 in B.A 7891/2015 is corrected and substituted by the word “accused” as per order dated 15/01/2016 in Cri.M.A 153/2016 in B.A 7891/2015.

Sd/-
Registrar (Judicial)

/True Copy/

P.A to Judge