

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

WEDNESDAY, THE 21ST DAY OF JANUARY 2015/1ST MAGHA, 1936

Bail Appl..No. 8791 of 2014 ()

CRIME NO. 1591/2014 OF KUNNICODE POLICE STATION , KOLLAM DISTRICT

PETITIONER/ACCUSED:

SURESH KUMAR, AGED 44 YEARS,
S/O.LATE RAMAKRISHNA PILLAI, THENGILAZHIKAM,
KURAMURI,THALAVOOR VILLAGE, PATHANAPURAM TALUK,
KOLLAM DISTRICT.

BY ADVS.SRI.S.RAJEEV
SRI.K.K.DHEERENDRAKRISHNAN

RESPONDENT(S)/STATE:

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1. STATE OF KERALA,
REP. BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,
ERNAKULAM-682 031 (CRIME NO.1591/2014 OF
KUNNIKODE POLICE STATION, KOLLAM DISTRICT)
 2. STATION HOUSE OFFICER,
KUNNIKODE POLICE STATION,
KOLLAM DISTRICT-691 508 (CRIME NO.1591/2014 OF
KUNNIKODE POLICE STATION, KOLLAM DISTRICT)

BY PUBLIC PROSECUTOR SRI.SHIBU GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 21-01-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

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B.KEMAL PASHA, J.

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B.A. No. 8791 of 2014

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Dated this the 21st day of January, 2015

ORDER

Petition filed under Section 438 Cr.P.C.

2. Petitioner is the accused in Crime No.1591 of 2014 of the Kunnikode Police Station, Kollam District, registered for the offences punishable under Sections 452, 506(ii), 323 IPC.

3. The allegation against the petitioner is that on 05.11.2014 at 5.30 p.m., he committed house trespass into the house of the complainant boy aged 10 and he intimidated him with a chopper by enquiring about the whereabouts of his father and slapped on the head of the boy.

4. Heard learned counsel for the petitioner and the learned Additional Director General of Prosecution.

5. It seems that even though the incident had allegedly occurred on 05.11.2014, the incident was reported before the Police only on 27.11.2014. The learned counsel for the petitioner has pointed out that those two families were in

loggerheads for the last many years. Considering the facts and circumstances of the case and the aforesaid unexplained delay of 22 days in setting the law in motion, I am of the view that this is a fit case wherein anticipatory bail can be granted to the petitioner, especially when no criminal antecedents have been reported against the petitioner.

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 ₹25,000/- (Rupees twenty five thousand only) with two solvent sureties for the like sum each 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 09.00 a.m. and 11.00 a.m. on all Wednesdays and Saturdays commencing from 28.01.2015 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

DSV/21/1/15

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P.A. To Judge

