

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

TUESDAY, THE 6TH DAY OF JANUARY 2015/16TH POUSHA, 1936

Bail Appl.No. 8802 of 2014

CRIME NO. 1447/2014 OF KUTHUPARAMBA POLICE STATION, KANNUR
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PETITIONER(S)/ACCUSED NO 1:

**SAJEER C., AGED 26 YEARS
S/O.MUSTHAFA, BYTHUL SHAMS, MANANTHERI,
P.O. MANANTHERY, KUTHUPARAMBA, THALASERRY TALUK**

BY ADV. SRI.K.RAJESH SUKUMARAN

RESPONDENT(S)/COMPLAINANT:

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

BY PUBLIC PROSECUTOR SRI.SREEJITH V.S.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
06-01-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

msv/

B. KEMAL PASHA, J.

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B.A.No.8802 of 2014

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Dated this the 6th day of January, 2015

O R D E R

Petition filed under Section 438 Cr.P.C.

2. Petitioner is the 1st accused in Crime No.1447/2014 of Kuthuparamba Police Station registered for offences punishable under Sections 341, 323, 324 and 308 IPC read with Section 34 IPC.

3. The allegation against the petitioner and the other accused is that on 2.11.2014 at 6 p.m., they wrongfully restrained the de facto complainant in front of the telephone exchange at Kuthuparamba and the petitioner hit him on his head with a granite stone and A2 and A3 slapped him.

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

5. On perusing the wound certificate, which finds a place among the records in the CD, I do not think that there are

sufficient ingredients to invite an offence under Section 308 IPC.

Other offences alleged are bailable.

6. Considering the facts and circumstances of the case and the present stage of the investigation, I am of the view that anticipatory bail can be granted to him, especially when no criminal antecedents have been reported against him.

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 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 Tuesdays and Fridays, commencing from 13.01.2015 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/6/1/15

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P.A. To Judge