

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE RAJA VIJAYARAGHAVAN V

MONDAY, THE 22ND DAY OF JUNE 2015/1ST ASHADHA, 1937

Bail Appl..No. 8861 of 2014

ORDER IN CRMP 3705/2014 of the SESSIONS COURT, PALAKKAD
CRIME NO. 854/2014 OF KOTTAYI POLICE STATION , PALAKKAD

PETITIONER(S)/PETITIONER/ACCUSED:

KANNAN
S/O.CHATHUNNI, PANNIKULAMBU, CHOOLANR
PERINGOTTUKURISSI, PALAKKAD,

BY ADV. SRI.NIREESH MATHEW

RESPONDENT(S)/RESPONDENTS:

1. STATE OF KERALA
REP BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA
ERNAKULAM-682031

2. THE SUB INSPECTOR OF POLICE, KOTTAYI POLICE STATION,
PALAKKAD DISTRICT-678001

BY PUBLIC PROSECUTOR SRI. JUSTINE JACOB

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
22-06-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

RAJA VIJAYARAGHAVAN.V. J

B.A. 8861 of 2014

Dated 22nd June, 2015

ORDER

1. This is an application under Section 438 of the Code of Criminal Procedure filed by the petitioner who is the sole accused in Crime No.854 of 2014 of the Kottayi police station. The said crime is registered for the offence punishable under Section 452 and 354(B) of the IPC.
2. The gist of the allegation as per the earliest records is that on 4.2.2014 at about 10.00 pm the petitioner trespassed into the residential home of the de facto complainant where she is living with her family and caught hold of the hands of the victim.
3. I have heard the learned counsel for the petitioner as well as the learned Public Prosecutor.
4. It is submitted by the learned counsel for the petitioner that the petitioner is a person having no

criminal antecedents and he is an immediate neighbor to the de facto complainant. The petitioner is permanently employed at Ernakulam, and the petitioner's wife had levelled some complaints against the husband of the de facto complainant . According to the learned counsel, the registering of this offense is a counter blast for the same.

5. I have perused the case diary which reveals that the mother-in-law and brothers-in law of the de facto complainant are residing in the same vicinity, thus negating the chances of committing any mischief at 10 P.M. It is also seen that no grave overt act is alleged against the petitioner. The petitioner has no criminal antecedents and the submission of the learned counsel that he was roped in for extraneous reasons cannot be ruled out at this stage .

6. Having regard to the allegations levelled against the petitioner, the relative conduct of the parties, the nature of injuries sustained by the injured and the other

circumstances of the case, it is felt that custodial interrogation of the petitioner is not warranted and the petitioner can be enlarged on bail subject to the following conditions:-

(i). The petitioner in the event of arrest, shall be released on bail on his executing a bond for Rs.50,000/- (Fifty thousand only) with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate concerned.

(ii). He shall surrender his passport before the learned Magistrate and in case he is not holding any passport, he shall file an affidavit stating so, within five days of his release.

(iii). He shall not leave India without the previous permission of the jurisdictional court.

(iv). The petitioner shall cooperate with the investigation and shall appear before the investigating officer between 10 a.m and 11 a.m on every alternate Saturdays for 3

months, or till the final report is filed, whichever is earlier.

(v). He shall not threaten or attempt to influence the witnesses and shall not get involved in any criminal case while on bail .

(vi). He shall in no event tamper or attempt to tamper with the evidence nor shall he hamper the investigation.

Violation of any of the above conditions will entitle the jurisdictional Court to cancel the bail in accordance with the law.

The application is allowed as above.

Sd/-
RAJA VIJAYARAGHAVAN.V.
Judge

MrCs

//True Copy//

P.S.ToJudge