

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

MONDAY, THE 23RD DAY OF MARCH 2015/2ND CHAITHRA, 1937

Bail Appl..No. 9052 of 2014

CRIME NO. 1949/2014 OF KOLLAM WEST POLICE STATION , KOLLAM

PETITIONER(S)/1ST ACCUSED AND NOT ARRAYED AS ACCUSED:

- 1. SOMASEKHARAN PILLAI, AGED 50 YEARS
S/O.NEELAKANDAN PILLAI, GIREESH BHAVAN, A.R.A 111
KAIKKULANGARA, KOLLAM WEST VILLAGE, KOLLAM DISTRICT.**
- 2. GIREESH, AGED 21 YEARS
S/O.SOMASEKHARAN PILLAI, GIREESH BHAVAN, A.R.A 111
KAIKKULANGARA, KOLLAM WEST VILLAGE, KOLLAM DISTRICT.**

**BY ADVS.SRI.PRATHEESH.P
SMT.S.SEETHA**

RESPONDENT(S):

**STATE OF KERALA
THROUGH THE SI OF POLICE, KOLLAM WEST POLICE STATION
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 23-03-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

PJ

B.KEMAL PASHA, J.

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B.A.No.9052 of 2014

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Dated this the 23rd day of March, 2015

ORDER

Petition filed under Section 438 Cr.P.C.

2. The petitioners are A1 and A2 in Crime No.1949 of 2014 of the Kollam West Police Station, Kollam District, registered for the offences punishable under Sections 323, 324, 326 and 427 read with Section 34 of the Indian Penal Code.

3. The allegation against the petitioners is that on 10.12.2014 at 7.30 p.m., they attacked the defacto complainant by using deadly weapons like punching block, iron rod etc. and caused the fracture of his mandible at the left side, and the fracture of a tooth and loss of another tooth as he was hit with the punching block. It is also alleged that by hitting with the punching block, injuries were caused on his right eyebrow. He was kicked down and stamped. He lost his mobile phone and watch in the incident, thereby he sustained

a wrongful loss of ₹5,000/-

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

5. On a perusal of the wound certificate, it seems that his case before the Doctor was that the incident was as a result of a road traffic accident in which an auto-rickshaw was involved. The learned counsel for the petitioners has pointed out that during a quarrel between the parties, the defacto complainant attempted to board on a running auto-rickshaw, whereby he was thrown to the road and he sustained injuries. It seems that in the wound certificate as well as the discharge summery, it has been stated that the incident had occurred in a road traffic accident. No criminal antecedents have been reported against the petitioners. Considering all the above, I am of the view that anticipatory bail can be granted to the petitioners.

In the result, this bail application is allowed and the investigating officer or such other police officer, who is conducting the arrest of the petitioners, is directed to enlarge the petitioners on bail in the event of their arrest on each of

them 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) Petitioners shall report before the investigating officer in between 09.00 a.m. and 11.00 a.m. on all Mondays and Thursdays commencing from 30.03.2015 for a period of three months or till the filing of the final report in this case, whichever is earlier.

(ii) Petitioners shall not tamper with the evidence or influence witnesses.

(iii) Petitioners shall make themselves available for interrogation as and when required by the investigating officer.

(iv) Petitioners 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/23/3/15

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P.A. To Judge