

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

THURSDAY, THE 15TH DAY OF JANUARY 2015/25TH POUSHA, 1936

Bail Appl..No. 9080 of 2014 ()

CRIME NO.2288/2014 OF NARAKKAL POLICE STATION, ERNAKULAM DISTRICT

PETITIONER/ACCUSED:

**SAMJATH, AGED 18 YEARS,
S/O.SIYAD, CHIRAYIL HOUSE, MALIPURAM,
ELAMKUNNAPUZHA VILLAGE, KOCHI TALUK.**

BY ADV. SRI.BIMAL PRASAD

RESPONDENT/COMPLAINANT:

**STATE OF KERALA,
REPRESENTED BY SUB-INSPECTOR OF POLICE,
NARAKKAL POLICE STATION,
THROUGH THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM,PIN- 682 031.**

BY PUBLIC PROSECUTOR SRI.V.S.SREEJITH

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 15-01-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

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B.KEMAL PASHA, J.

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B.A. No. 9080 of 2014

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Dated this the 15th day of January, 2015

ORDER

Petition filed under Section 438 Cr.P.C.

2. Petitioner is the 2nd accused in Crime No.2288 of 2014 of the Narakkal Police Station, registered for the offences punishable under Sections 323, 354, 427, 452 and 506(i) read with Section 34 IPC.

3. The allegation against the petitioner and the other accused is that on 30.11.2014 at 8.00 p.m., they came to the house of the defacto complainant in search of her son and committed house trespass into the house by pushing her down and the 3rd accused damaged and destroyed the glasses of the window panes thereby causing a wrongful loss of ₹1,500/- to the defacto complainant. It is alleged that she

was pushed down by the 1st accused. The role of the petitioner was that he threw away the breath analyzer kept on the table inside the house of the defacto complainant, thereby damaging it.

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

5. It seems that investigation of this case is practically over. The only allegation against the petitioner is that he damaged the breath analyzer kept on the table in the house. All the other specific overt acts are alleged against A1 and A3. A1 and A3 have been arrested and they have been enlarged on bail. Considering the present stage of the investigation and the facts and circumstances of the case, I am of the view that the custodial interrogation of the petitioner is not required for the continued investigation of this case. Matters being so, anticipatory bail can be granted to the petitioner on conditions.

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 Rs.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 Thursdays and Mondays commencing from 22.01.2015 for a period of six months.

(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

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PA to Judge