

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

MONDAY, THE 19TH DAY OF JANUARY 2015/29TH POUSHA, 1936

Bail Appl..No. 9167 of 2014 ()

CRIME NO. 1569/2014 OF THALASSERY POLICE STATION, KANNUR DISTRICT

PETITIONER/IST ACCUSED :

**BYJU,
S/O. BHARATHAN, AGED 38 YEARS
VIAGA, P.O. DHARMADAM
THALASSERY.**

**BY ADVS.SRI.K.SIJU
SRI.S.ABHILASH**

RESPONDENT :

**STATE OF KERALA
REPRESENTED BY SUB INSPECTOR OF POLICE
THALASSERY POLICE STATION
THROUGH PUBLIC PROSECUTOR,
HIGH COURT OF KERALA
ERNAKULAM.**

BY PUBLIC PROSECUTOR SMT. LALIZA T.Y.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 19-01-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Mn

B. KEMAL PASHA, J.

=====

B.A. No. 9167 of 2014

=====

Dated this the 19th day of January, 2015

ORDER

Petition under Section 438 Cr.P.C.

2. Petitioner is the 1st accused in Crime No.1569 of 2014 of Thalassery Police Station, Kannur District, registered for the offences punishable under Sections 143, 147, 452, 294(b), 506(i), 323 and 354 r/w 149 IPC.

3. The allegation against the petitioner and other accused is that on 28.10.2014 at 4.00pm, they formed themselves into an unlawful assembly, and petitioner along with 28 other persons committed house trespass into the house of the defacto complainant, pushed her down and also pushed down her mother thereby outraging their modesty.

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

5. The contents of the CD reveals that the

investigation of the case is practically over. This is not a case wherein the custodial interrogation of the petitioner is required for the continued investigation of this case. No criminal antecedents have been reported against the petitioner. Considering the facts and circumstances of the case, the present stage of investigation and the absence of criminal antecedents on his part, I am of the view that this is a fit case this is a fit case wherein anticipatory bail can be granted to the petitioner.

6. 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 Mondays and Thursdays, commencing from 26.01.2015 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

das

// True copy //

PA to Judge