

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE RAJA VIJAYARAGHAVAN V

FRIDAY, THE 30TH DAY OF OCTOBER 2015/8TH KARTHIKA, 1937

Bail Appl..No. 6735 of 2015

CRIME NO. 698/2015 OF PERAMBRA POLICE STATION, KOZHIKODE

PETITIONER(S)/ACCUSED:

**SIRAJ K.K, AGED 29 YEARS,
S/O.EBRAHIM, PARANDIYIL HOUSE,
KALLANKANDYTHAZHA,
KOYILANDY TALUK, KOZHIKODE DISTRICT.**

BY ADV. SRI.MANSOOR.B.H.

RESPONDENT(S)/COMPLAINANT/STATE:

**STATE OF KERALA,
REP. BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA (REPRESENTING THROUGH
STATION HOUSE OFFICER,
PERAMBRA POLICE STATION, KOZHIKODE DISTRICT).**

BY PUBLIC PROSECUTOR SRI.RAJESH VIJAYAN

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 30-10-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

PJ

RAJA VIJAYARAGHAVAN V, J.

B.A.No.6735 of 2015

Dated this the 30th day of October, 2015

O R D E R

This is an application for anticipatory bail filed under S.438 of the Code of Criminal Procedure.

2. The petitioner is the sole accused in Crime No.698/2015 of Perambra Police Station. The said crime has been registered for offence punishable under S.341, 326, 308 r/w.S.34 of the IPC.

3. The prosecution allegation is that, on 29.09.2015 at about 5 p.m., the petitioner along with the co-accused restrained the de facto complainant and voluntarily caused hurt to him by using an iron lever causing him injuries.

4. I have heard the learned counsel appearing for the

petitioner as well as the learned Public Prosecutor.

5. The learned counsel appearing for the petitioner has submitted that the allegations levelled are false and no injury was sustained to the informant. The learned Public Prosecutor has submitted on instructions that a report has been submitted deleting S 326 of the IPC . I have perused the case diary as well and the wound certificate reveals no serious injuries .

6. After having considered the rival submissions, the nature and gravity of the allegations, the antecedents of the petitioner and the other circumstances, I am of the considered view that anticipatory bail can be granted to the petitioner by imposing appropriate conditions.

In the result, this application is allowed, but subject to the following conditions:

- i). The petitioner shall be released on bail

after interrogation on his executing a bond for 25,000/- with two solvent sureties for the like sum if he is arrested by the Police in connection with this case.

ii). The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/ her from disclosing such facts to the court or to any police officer.

iii). The petitioner shall make himself available for interrogation as and when required by the investigating officer.

iv). The petitioner shall not influence or intimidate the prosecution witnesses or attempt to tamper with the evidence for the prosecution.

v). The petitioner shall not commit any similar offence while on bail.

vi). The petitioner shall not leave India without the previous permission of the jurisdictional magistrate.

vii). In case of violation of any of the above conditions, the jurisdictional magistrate

shall be empowered to cancel the bail in
accordance with law.

This application is allowed as above.

Sd/-
RAJA VIJAYARAGHAVAN V,
JUDGE.

Bb

[True copy]

P.A to Judge