

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE DR. JUSTICE KAUSER EDAPPAGATH

FRIDAY, THE 30TH DAY OF APRIL 2021 / 10TH VAISAKHA, 1943

Bail Appl..No.3183 OF 2021

CRIME NO.250/2021 OF TOWN WEST POLICE STATION , THRISSUR

PETITIONER/ACCUSED:

RAJESH

AGED 31 YEARS

SON OF RAVI, MADATHIPARAMBIL HOUSE,
MADAKKATHARA P.O, THRISSUR
680651

BY ADV. SRI.NIREESH MATHEW

RESPONDENT:

STATE OF KERALA

REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM
682031

BY PUBLIC PROSECUTOR SMT. SREEJA V.

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
30.04.2021, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER

Dated this the 30th day of April 2021

This is an application filed u/s 438 of Code of Criminal Procedure seeking pre-arrest bail.

2. The petitioner is the accused No.2 in Crime No. 250/2021 of Town West Police Station, Thrissur. The offences alleged are under Sections 279, 283, 341, 308, 294(b), 506 and Section 34 of IPC.

3. The prosecution case in short is that on 29.3.2021 at 7 pm the petitioner and the accused No.1 who are the driver and conductor, respectively, of the bus bearing registration No.KL-8/AE-6587 overtook the bus and put across the car driven by the de-facto complainant in front of Jayalakshmi Silks at Poothole-Shankara Iyer road and the 2nd accused assaulted the de-facto complainant and threatened him with dire consequences.

4. Heard both sides and perused the case diary.

5. The learned counsel for the petitioner submitted that the petitioner is absolutely innocent and he has been falsely implicated in the present case. He further submitted that there are no materials to connect the petitioner with the alleged crime and hence he is entitled to get bail. The learned Public Prosecutor opposed the bail application. She contended that the alleged incident occurred as a part of the

intentional criminal acts of the petitioner and if the petitioner is released on bail at this stage, it would affect the course of investigation.

6. The only non-bailable offence alleged is Section 308 of IPC. There is nothing on record to attract the ingredients of Section 308 of IPC. No injury has been sustained by the de-facto complainant as evident from the wound certificate. Considering the allegations levelled against the petitioner, his custodial interrogation does not appear to be necessary. For all these reasons, the petitioner is entitled to pre-arrest bail on conditions.

In the result, the application is allowed on the following conditions:-

(i) The petitioner shall be released on bail in the event of his arrest on executing a bond for ₹1,00,000/- (Rupees One lakh only) with two solvent sureties for the like sum each to the satisfaction of the arresting officer/investigating officer, as the case may be.

(ii) The petitioner shall fully co-operate with the investigation, including subjecting himself to the deemed police custody for the purpose of discovery, if any, as and when demanded.

(iii) The petitioner shall appear before the investigating officer between 10.00 a.m and 11.00 a.m on every Saturday until further orders. The petitioner shall also appear before the investigating officer as and when required by him.

(iv) The petitioner shall not commit any offence of like nature while on bail.

(v) The petitioner shall not make any attempt to contact any of the prosecution witnesses, directly or through any other person, or any other way try to tamper with the evidence or influence any witnesses or other persons related to the investigation.

(vi) The petitioner shall not leave State of Kerala without the permission of the trial Court.

Sd/-

DR. KAUSER EDAPPAGATH

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True copy

JUDGE

P.A. To Judge