

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE BECHU KURIAN THOMAS

THURSDAY, THE 30TH DAY OF JUNE 2022 / 9TH ASHADHA, 1944

BAIL APPL. NO. 3617 OF 2022

(CRIME NO.514/2022 OF KANJIRAPPALLY POLICE STATION, KOTTAYAM
DISTRICT)

PETITIONERS/ ACCUSED :

1 SHAMON SHAJI,
AGED 27 YEARS, S/O.SHAJI,
KAPPITHOTTAM HOUSE, OSANA MOUNT,
KANJIRAPPALLY - 686 507

2 ASHIK.M.N. ,
AGED 21 YEARS, S/O.NOUSHAD,
MOTHEEN PARAMBIL, KMA HALL,
KANJIRAPPALLY- 686 507

BY ADVS.SUMAN CHAKRAVARTHY
AMJITH A.R.

RESPONDENT/ COMPLAINANT :

STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, PIN - 682 031

BY SMT. M. K. PUSHPALATHA, PUBLIC PROSECUTOR

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
30.06.2022, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

BECHU KURIAN THOMAS, J.

B.A.No.3617 of 2022

Dated this the 30th day of June, 2022

ORDER

This is an application seeking pre-arrest bail filed under Section 438 of the Code of Criminal Procedure, 1973.

2. Petitioner is the accused in Crime No.514 of 2022 of Kanjirappally Police Station, Kottayam District.

3. According to the prosecution case, on 21.04.2022, petitioner caught hold of the shoulder of the victim and thereby committed the offence under Sections 294(b), 341, 323 and Section 354 r/w Section 34 of the Indian Penal Code.

4. Sri.Suman Chakravarthy as well as Sri.Amjith A.R., the learned counsel for the petitioner contended that the allegations even if assumed to be correct, still, it does not make out an offence under Section 354 IPC while the remaining offences are all bailable. It was argued that petitioner has been falsely arrayed as an accused in the crime.

5. Smt.M.K.Pushpalatha, the learned Public Prosecutor opposed the grant of bail and pointed out that there are several criminal antecedents to the petitioner and that petitioner was arrested and released on bail as

an interim measure as directed by this Court while he was in custody in relation to another crime registered before the Nedumbassery Police Station.

6. On a consideration of the circumstances arising in the case and on an appreciation of the arguments of either Counsel, though I am of the view that the allegations are serious in nature, custodial interrogation of the petitioner is not required. In view of the above, the petitioner is entitled to be released on pre-arrest bail.

7. Accordingly, this application is allowed on the following conditions:

- (i) In the event of the petitioner being arrested in connection with Crime No.514/2022 of Kanjirappally Police Station, he shall be released on bail on him executing a bond for Rs.50,000/- (Rupees fifty thousand only) with two solvent sureties each for the like sum, before the Investigating Officer.
- (ii) Petitioner shall appear before the Investigating Officer as and when required.
- (iii) Petitioner shall not intimidate or attempt to influence the witnesses; nor shall he tamper with the evidence or contact the defacto complainant or his family members.
- (iv) Petitioner shall not commit any offence while he is on bail.
- (v) Petitioner shall not leave India without the permission of the Court having jurisdiction.

In case of violation of any of the above conditions, the jurisdictional Court shall be empowered to consider the application for cancellation, if any, and pass appropriate orders in accordance with the law, notwithstanding the bail having been granted by this Court.

Sd/-
BECHU KURIAN THOMAS, JUDGE

RKM