

BA TMP 185 OF 2020

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE C.S.DIAS

WEDNESDAY, THE 29TH DAY OF APRIL, 2020 /9TH VAISAKHA, 1942

BA.TMP NO. 185 OF 2020

(Crime No.88/2020 of Kuthiyathode Police Station,
Alappuzha District)

PETITIONERS/ ACCUSED NO.4:

Shaijumon, age 21 years,
S/o.shanmughan, Muttathara veedu,
Thuravoor P.O, Thuravoor Panchayath,
Ward-7, Cherthala, Alappuzha.

By Adv. B.Pramod
Adv. Namitha Jyothish

RESPONDENT/COMPLAINANT:

State of Kerala
rep. by the Public Prosecutor,
High Court of Kerala.

BY PUBLIC PROSECUTOR **SMT PUSHPALATHA.M.K**

THIS BA HAVING COME UP FOR ADMISSION ON 29.04.2020, THE
COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER

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

2. The petitioner is the fourth accused in Crime No.88/2020 of Kuthiyathode Police Station. The petitioner along with other accused are alleged to have committed the offences punishable under Secs 143, 147, 148, 341, 294(b), 323, 324 and 308 read with Sec.149 of the Indian Penal Code.

3. The prosecution allegation as against the petitioner is that he attempted to assault the de facto complainant with his hands. Thus, the petitioner has committed the above offences.

4. Heard the learned counsel for the petitioner and the learned Public Prosecutor via video-conferencing.

5. The learned counsel for the petitioner argued that the petitioner is innocent of the allegations levelled against him. The other accused in the crime have already

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been enlarged on bail. The petitioner's custodial interrogation is not necessary. The investigation in the case is practically complete. Hence, the petitioner may be enlarged on bail.

6. The learned Public Prosecutor, on instructions, submitted that the investigation in the case is practically complete. There is no recovery to be made. Even if the petitioner is granted an order of anticipatory bail, he may be directed to cooperate with the investigation.

7. On a cumulative appreciation of the facts and circumstances of the case, particularly considering the fact that the petitioner's custodial interrogation is not necessary; that the other accused have already been enlarged on bail; that the investigation in the case is practically complete; I am convinced that this is a fit case to grant the petitioner an order of pre-arrest bail as provided under Section 438 of Code of Criminal Procedure.

8. In the result, this bail application is allowed. The petitioner is directed to surrender before the Investigating

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Officer on or before 08.05.2020. Upon his surrender, he shall be released on bail by the Investigating Officer, subject to the following conditions:-

(i) The petitioner shall be released on bail, on executing a bond for a sum of Rs.1,00,000/- (Rupees one lakh only) with two solvent sureties for the likesum, in the event of the arrest by the Police in connection with the crime.

(ii) The petitioner shall make himself available for interrogation before the Investigating Officer, as and when required by him. The petitioner shall also cooperate with the investigation of the case.

(iii) 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 them from disclosing such facts to the Court or any Police Officer or tamper with the evidence.

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

(vi) Needless to mention that, if the petitioner violate any of the above conditions, the Investigating Officer shall be at liberty to move the jurisdictional Court and file appropriate application seeking cancellation of this bail order .

With the above observations, this Bail Application is allowed.

C.S.DIAS
JUDGE

sks/29.4.2020