

Kerala High Court

C.B.Gireesh vs State Of Kerala on 21 October, 2009

IN THE HIGH COURT OF KERALA AT ERNAKULAM

Bail Appl..No. 5700 of 2009()

1. C.B.GIREESH,S/O. BHASKARAN, 26 YEARS
... Petitioner

Vs

1. STATE OF KERALA, S.I. OF POLICE,
... Respondent

For Petitioner :SRI.GRASHIOUS KURIAKOSE

For Respondent :PUBLIC PROSECUTOR

The Hon'ble MR. Justice K.T.SANKARAN

Dated :21/10/2009

O R D E R

K.T.SANKARAN, J.

B.A.No.5700 of 2009

Dated this the 21st day of October, 2009

ORDER

This is an application for anticipatory bail under Section 438 of the Code of Criminal Procedure. The petitioner is accused No.7 in Crime No.32 of 2009 of Thalapuzha Police Station.

2. The offences alleged against the petitioner are under Sections 143, 147, 148, 341, 332, 294(b), 506(ii) and 308 read with Section 149 of the Indian Penal Code.

3. When the Bail Application came up for hearing on 8th October 2009, the following order was passed:

"After having heard the learned counsel for the petitioner and the learned Public Prosecutor, I am of the view that before disposing of the Bail Application, an opportunity should be given to the petitioner to appear before the investigating officer. Accordingly, there will be a direction to the petitioner to appear before the investigating officer at 9 A.M. on 15.10.2009 and 16.10.2009.

Post on 21.10.2009.

It is submitted by the learned Public Prosecutor that the petitioner will not be arrested until further orders in connection with Crime No.325 of 2009 of Thalapuzha Police Station."

4. The learned counsel for the petitioner and the learned Public Prosecutor submitted that the petitioner has complied with the direction in the order dated 8th October 2009.

5. Taking into account the facts and circumstances of the case, the nature of the offence, the injury sustained and other circumstances, I am of the view that anticipatory bail can be granted to the petitioner.

There will be a direction that in the event of the arrest of the petitioner, the officer in charge of the police station shall release him on bail on his executing bond for Rs.10,000/- with two solvent sureties for the like amount to the satisfaction of the officer concerned, subject to the following conditions:

- a) The petitioner shall report before the investigating officer between 9 A.M. and 11 A.M. on alternate Mondays for a period of two months;
- b) The petitioner shall appear before the investigating officer for interrogation as and when required;
- c) The petitioner shall not try to influence the prosecution witnesses or tamper with the evidence;
- d) The petitioner shall not commit any offence or indulge in any prejudicial activity while on bail;
- e) In case of breach of any of the conditions mentioned above, the bail shall be liable to be cancelled. The Bail Application is allowed to the extent indicated above.

K.T.SANKARAN, JUDGE csl K.T.SANKARAN, J.

B.A.No.5700 of 2009

----- Dated this the 8th day of October, 2009 ORDER After having heard the learned counsel for the petitioner and the learned Public Prosecutor, I am of the view that before disposing of the Bail Application, an opportunity should be given to the petitioner to appear before the investigating officer. Accordingly, there will be a direction to the petitioner to appear before the investigating officer at 9 A.M. on 15.10.2009 and 16.10.2009.

Post on 21.10.2009.

It is submitted by the learned Public Prosecutor that the petitioner will not be arrested until further orders in connection with Crime No.325 of 2009 of Thalapuzha Police Station.

K.T.SANKARAN, JUDGE csl Hand over copy to both sides.