

IN THE COURT OF THE JUDICIAL FIRST CLASS MAGISTRATE -II.
SULTHAN BATHERY

Present:- Smt. Gale Joy Chettupuzha
Judicial First Class Magistrate-II
Sulthan Bathery.

Saturday, 28th day of June, 2025
7th day of Ashadha, 1947

CMP No. 511/2025

In Kenichira Police Station Crime No. 155/2017
In CC 265/2017

Petitioner/Accused : Gajendran, S/o. Jayaraman,
Aged 38 years, Vattappad
Kattunaikacolony, Cheeyambam.
(By Adv. Jithin Vijayan)

Respondent/Complainant : State represented by the Sub
Inspector of Police, Kenichira
Police Station.
(By Sri. Aneesh Joseph-APP)

Offence : U/s 294(b) and 324 of the Indian Penal
Code, 1860.

Order : Bail application is allowed.

ORDER

1. This is an application filed u/s 478 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

2. The petitioner is the accused in CC 265/2017. The offences alleged against the petitioner is punishable under sections 294(b) and 324 of the Indian Penal Code, 1860. . In connection with the above crime, petitioner is in judicial custody since 02.06.2025.

3. The prosecution allegation is that at 20.30 hours on 03.05.2023 at Madapparambu in Nadavayal Amsom, due to the family dispute, the accused wrongfully restrained the de facto complainant and threatened to kill him by beating with a stone on his head. When CW2 tried to prevent it, the second and third accused had voluntarily caused hurt to CW2 by beating with a stick

and pelting with a stone which can be used as a dangerous weapons. Thus the petitioner is alleged to have committed the aforesaid offence.

4. Notice of the application was given to the learned APP.

5. The learned counsel for the petitioner submitted that the accused is innocent of the allegation levelled against him. The counsel for the petitioner submitted that the non- appearance of the petitioner was not intentional or wilful. Moreover, now the accused has been in judicial custody for the past 26 days. Further, investigation of the case was over and charge sheet was already filed before this court. Therefore, further custody of the petitioner/accused is not all necessary for the purpose of investigation. It is also submitted that there are solvent sureties willing to vouch for the petitioner's attendance in court and he is ready to abide by the conditions as imposed by this court if he is released on bail.

6. Heard the learned counsel for the petitioner and the learned APP.

7. It is important to note that the petitioner/accused is behind the bars for the last 26 days. After perusing the records, I am satisfied that the investigation of this case is over and the final report is already filed before this court. Hence, this court is of the view further detention of the petitioner in custody is not required. Hence, this application for bail is allowed subject to the following stringent conditions.

In the result, application for bail filed by the petitioner/accused is allowed on following condition:-

1. The petitioner/accused shall execute bond for ₹25,000/-(Rupees Twenty Five thousand only) with two solvent sureties, each for the like sum.

(Pronounced by me in open court this the 28th day of June, 2025).

sd/-

Judicial First Class Magistrate -II

