

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

MONDAY, THE 23RD DAY OF FEBRUARY 2015/4TH PHALGUNA, 1936

Bail Appl..No. 237 of 2015 ()

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CRIME NO. 957/2014 OF PERINGOME POLICE STATION, KANNUR DISTRICT.**

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PETITIONERS/ACCUSED:

- 1. T. MANIYAN, AGED 46 YEARS,
S/O.THANKAYYAN, THANOTH HOUSE, KINARMUKKU,
ETTUKUDUKKA P.O, KANNUR DISTRICT.**
- 2. VIJAYAN, AGED 63 YEARS, S/O.KUNHAN,
689, VITTIYODE THADATHARUKATHU VEEDU,
9, VAZHICAL, OTTASEKHARAMANGALAM,
NEYATTINKARA, THIRUVANANTHAPURAM.**

**BY ADVS.SRI.M.SASINDRAN,
SRI.P.K.SUBHASH.**

RESPONDENTS/COMPLAINANT/STATE:

- 1. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM - 682 031.**
- 2. THE STATION HOUSE OFFICER,
(CRIME NO. 957/2014 OF PERINGOME POLICE STATION),
KANNUR DISTRICT -670 307.**

BY PUBLIC PROSECUTOR SMT.LALIZA. T.Y.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 23-02-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

rs.

B.KEMAL PASHA, J.

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B.A. No.237 of 2015

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Dated this the 23rd day of February, 2015

ORDER

Petition filed under Section 438 Cr.P.C.

2. Petitioners are A1 and A2 in Crime No.957 of 2014 of the Peringome Police Station, registered for the offences punishable under Sections 341, 323, 324, 354 and 506(i) read with Section 34 of the Indian Penal Code.

3. The allegation against the petitioners is that on 21.12.2014, at 5.10 p.m., they wrongfully restrained the defacto complainant woman, slapped her and also hit her with a stone. It is also alleged that they have pulled her maxi and tore it, thereby outraging her modesty.

4. Heard learned counsel for the petitioners and the learned Public Prosecutor.

5. The defacto complainant woman is the 3rd accused in Crime No.871 of 2014 of the Peringome Police Station registered for the offences punishable under Sections 498A and 306 of the Indian Penal Code, in a case wherein, the daughter of the 1st petitioner herein had committed suicide on

account of the cruelty meted out towards her by the accused in the said case. It seems that she had committed suicide mainly on the ground that her husband, who is the 1st accused in the said case, had illicit relationship with the defacto complainant in this case. According to the learned counsel for the petitioners, apart from a wordy altercation regarding the incident, there was no such attack as alleged and the present crime has been registered at the instance of the defacto complainant, just as a defence for the other case, in which she is the 3rd accused. On going through the contents of the CD, there are reasons of think that the argument put forwarded by the learned counsel for the petitioners is highly probable. No criminal antecedents have been reported against the petitioners. The investigation of this case is practically over. This is not a case wherein the custodial interrogation of the petitioners is required for the continued investigation of this case. Considering the facts and circumstances of the case and the facts pointed out by the learned counsel for the petitioners, I am of the view that this is

a fit case wherein anticipatory bail can be granted to the petitioners.

In the result, this bail application is allowed and the investigating officer or such other police officer, who is conducting the arrest of the petitioners, is directed to enlarge the petitioners on bail in the event of their arrest on each of them executing a bond for Rs.25,000/- (Rupees twenty five thousand only) with two solvent sureties for the like sum each to the satisfaction of the officer conducting arrest, and subject to the following terms and conditions:-

(i) The petitioners shall report before the investigating officer in between 09.00 a.m. and 11.00 a.m. on all Mondays and Thursdays commencing from 02.03.2015 for a period of three months or till the filing of the final report in this case, whichever is earlier.

(ii) The petitioners shall not tamper with the evidence or influence witnesses.

(iii) The petitioners shall make themselves

available for interrogation as and when required by the investigating officer.

(iv) The petitioners shall not involve in any offence while on bail.

It is made clear that the violation of any of the conditions stipulated above will result in the cancellation of bail.

Sd/-
B.KEMAL PASHA
JUDGE

DSV/23/2/15

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P.A. To Judge