

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

WEDNESDAY, THE 25TH DAY OF FEBRUARY 2015/6TH PHALGUNA, 1936

Bail Appl..No. 285 of 2015

CRIME NO. 854/2014 OF CHITTUR POLICE STATION , PALAKKAD

PETITIONER(S)/ACCUSED:

1. **ARUCHAMI, AGED 30 YEARS**
S/O. SUBBAYYAN, AYINAMKUTTY VALAPPU, 4TH MILE
KUNNAMKATUPATHY P.O., THEKKEDESOM VILLAGE
CHITTUR TALUK, PALAKKAD.
2. **POONGODY, AGED 27 YEARS**
W/O. ARUCHAMI, AYINAMKUTTY VALAPPU, 4TH MILE
KUNNAMKATUPATHY POST, THEKKEDESOM VILLAGE
CHITTUR TALUK, PALAKKAD.
3. **SELVI, AGED 35 YEARS**
W/O. MURUKAN, AYINAMKUTTY VALAPPU, 4TH MILE
KUNNAMKATUPATHY POST, THEKKEDESOM VILLAGE
CHITTUR TALUK, PALAKKAD.
4. **DAIVATHAL, AGED 45 YEARS**
W/O. MANOHARANA, AYINAMKUTTY VALAPPU, 4TH MILE
KUNNAMKATUPATHY POST, THEKKEDESOM VILLAGE
CHITTUR TALUK, PALAKKAD.
5. **RAJAMANI, AGED 30 YEARS**
W/O. RAMASWAMY, AYINAMKUTTY VALAPPU, 4TH MILE
KUNNAMKATUPATHY POST, THEKKEDESOM VILLAGE
CHITTUR TALUK, PALAKKAD.

BY ADVS.SRI.SAJAN VARGHEESE K.
SRI.LIJU. M.P

RESPONDENT(S)/COMPLAINANT:

STATE OF KERALA
REPRESENTED BY THE SUB INSPECTOR OF POLICE
CHITTUR POLICE STATION, PALAKKAD DISTRICT
THROUGH THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA
ERAKULAM.

BY PUBLIC PROSECUTOR SMT.LALIZA T.Y.

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 25-02-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

B.KEMAL PASHA, J.

B.A.No.285 of 2015 A

Dated this the 25th day of February 2015

ORDER

Petition under Section 438 Cr.P.C.

2. Petitioners are the accused in Crime No.854/2014 of Chittur Police Station, Palakkad district registered for the offences punishable under Sections 143, 147, 447, 323, 452 and 354 read with Section 149 of the I.P. C.

3. The allegation against the petitioners is that on 6.8.2014 at 8 p.m., they formed themselves into an unlawful assembly and committed house trespass into the house of the de-facto

complainant woman and attacked her. It is alleged that the first accused fisted her and the other accused dragged her out of the house and all the accused beat, fisted and stamped the de-facto complainant.

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

5. It seems that the crime has been registered on the basis of a private complaint filed by the de-facto complainant, before the Judicial First Class Magistrate's Court, Kayamkulam, which was referred to the police for an investigation under Section 156(3) of the Code of Criminal Procedure. On a perusal of the wound certificate, which finds a place among the records in the CD, no injuries could be noted. The doctor has reported that there were no external injuries. No criminal antecedents have been reported against the petitioners. It has been reported that the parties are relatives. Considering all the above, I am of the view that this is a

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

6. 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 each for the like sum 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 9 a.m. and 11 a.m. on all Wednesdays and Saturdays commencing from 4.3.2015 for a period of three months.

(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**

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P.A. To Judge

