

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

WEDNESDAY, THE 28TH DAY OF JANUARY 2015/8TH MAGHA, 1936

Bail Appl..No. 414 of 2015 ()

CRIME NO. 5/2015 OF PUNNAPRA POLICE STATION, ALAPPUZHA DISTRICT.

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PETITIONERS/ACCUSED 1 TO 5:

- 1. BIJU. M., AGED 38 YEARS,
S/O.MUHAMMED HASSAN, LAMYA MANZIL,
VELIMPARAMBU, ERAVUKAD WARD, ALAPPUZHA.**
- 2. SHEENA, W/O.BIJU, AGED 34 YEARS,
LAMYA MANZIL, VELIMPARAMBU,
ERAVUKAD WARD, ALAPPUZHA.**
- 3. KUNJUMOL, W/O.NAZAR,
AGED 54 YEARS, KOTTACKAL PURAYIDOM,
ERAVUKADU WARD, ALAPPUZHA.**
- 4. SULBATH, W/O.RAHUMAN,
AGED 44 YEARS, SAROOJA MANZIL,
MULLATH VALAPPU, THIRUVAMPADI P.O,
ALAPPUZHA.**
- 5. SHAMSHAD, W/O.HABEEB,
AGED 40 YEARS, SAJITHA MANZIL,
MULLATHUVALAPPU, THIRUVAMPADI P.O,
ALAPPUZHA.**

BY ADV. SRI.G.PRIYADARSAN THAMPI.

RESPONDENT/COMPLAINANT:

**STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**

BY PUBLIC PROSECUTOR SRI.SREEJITH. V.S.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 28-01-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

rs.

B.KEMAL PASHA, J.

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B.A. No.414 of 2015

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Dated this the 28th day of January, 2015

ORDER

Petition filed under Section 438 Cr.P.C.

2. Petitioners are the accused in Crime No.5 of 2015 of the Punnapra Police Station, registered for the offences punishable under Sections 143, 147, 148, 452, 323, 506(ii), 354 and 427 read with Section 149 IPC.

3. It is alleged that the husband of the 5th petitioner had illicit connections with the defacto complainant woman and he was staying along with her. Out of that enmity, it is alleged that the petitioners formed themselves into an unlawful assembly armed with deadly weapons, committed house trespass into the house of the defacto complainant woman on 26.12.2014 at 9.30 p.m. and criminally intimidated the defacto complainant. It is also alleged that she was kicked, stamped and beaten up and her modesty was outraged. Further it is alleged that they damaged the fridge, TV, sewing machine etc., thereby, causing a wrongful loss of

Rs.12,000/- to the defacto complainant.

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

5. It seems that a quarrel had occurred on the reason that the husband of the 5th petitioner was made to reside by the defacto complainant along with her. All the other petitioners are close relatives of the 5th petitioner. As a genuine cause, they took up the matter and questioned the act of the husband of the 5th petitioner as well as the defacto complainant woman, in continuing with the illegal affair. No criminal antecedents have been reported against the petitioners. It seems that the investigation of this case is practically over. I do not think that 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 fact that no criminal antecedents have been reported against them, I am of the view that 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 Wednesdays and Saturdays commencing from 04.02.2015 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/28/1/15

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P.A. To Judge