

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

MONDAY, THE 9TH DAY OF MARCH 2015/18TH PHALGUNA, 1936

Bail Appl.No. 453 of 2015

CRIME NO. 1376/2014 OF KARUKACHAL POLICE STATION, KOTTAYAM
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PETITIONER(S):

- 1. RAHUL RAJ, AGED 20 YEARS,
RAHUL NIVAS, CHAMPAKARA P.O., KARUKACHAL,
KOTTAYAM DISTRICT.**
- 2. RAJAN P.S.,
RAHUL NIVAS, CHAMPAKARA P.O., KARUKACHAL,
KOTTAYAM DISTRICT.**

BY ADV. SRI.RAJIT

RESPONDENT(S):

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

BY PUBLIC PROSECUTOR SRI.SHIBU GEORGE

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
09-03-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

msv/

B.KEMAL PASHA, J.

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B.A. No. 453 of 2015

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Dated this the 9th day of March, 2015

ORDER

Petition under Section 438 Cr.P.C.

2. Petitioners are A1 and A2 in Crime No.1376/2014 of the Karukachal Police Station, Kottayam District, registered for the offences punishable under Sections 294(b), 452, 323, 354 and 324 read with Section 34 IPC.

3. The allegation against the petitioners and the other accused is that on 12.10.2014 at 6.30 a.m., they committed house trespass into the house of the de facto complainant and the 1st accused abused the wife of the de facto complainant. It is alleged that the 2nd accused caught hold of the wife of the de facto complainant and outraged her modesty. The other accused beat and fisted the de facto complainant and his wife.

4. Heard the learned counsel for the petitioners and the learned Additional DGP.

5. The contents of the C.D. *prima facie* reveal the complicity of the petitioners. There are very serious allegations against the 2nd petitioner. It is alleged that the 2nd petitioner, after committing house trespass, pressed on the chest of the wife of the de facto complainant. It seems that she has suffered injuries also on her breast. When the petitioners along with A3 and A4 had approached the learned Sessions Judge for anticipatory bail, the learned Sessions Judge has declined anticipatory bail to the present petitioners and granted anticipatory bail to the other accused. At the same time, it seems that the learned Sessions Judge has given an opportunity to the petitioners to surrender before the investigating officer and to co-operate with the investigation. I do not find any reason to interfere with the said view taken by the learned Sessions Judge.

6. In the result, this bail application is dismissed. At the same time, if so advised, the petitioners may surrender before the

investigating officer within ten days from today and in such case, the investigating officer can interrogate the petitioners, effect recovery if any, and conduct the investigation and produce the petitioners without delay before the concerned Judicial First Class Magistrate's Court, where the petitioners can move for bail. In such case, the learned Magistrate shall pass appropriate orders, preferably on the same day itself, provided advance notice on such application has been given to the Assistant Public Prosecutor also.

Sd/-

B.KEMAL PASHA, JUDGE

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PA to Judge