

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

WEDNESDAY, THE 18TH DAY OF FEBRUARY 2015/29TH MAGHA, 1936

Bail Appl..No. 520 of 2015

**CRIME NO. 1619/2014 OF KOOTHATTUKULAM POLICE STATION,
ERNAKULAM DISTRICT.**

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PETITIONER(S)/ACCUSED:

1. **ABY, AGED 35 YEARS,
S/O.PAULOSE, THEKKINALIL HOUSE,
THIRUMARADY, KAKKOOR.**
2. **SREENI ABY, AGED 32 YEARS,
W/O.ABY, THEKKINALIL HOUSE,
THIRUMARADY, KAKKOOR.**
3. **SREEKANTH K.THANKAPPAN, AGED 26 YEARS,
S/O.THANKAPPAN, KADUVAKKUZHIPADU,
OLIYAPPURAM P.O., THIRUMARADY.**

**BY ADVS.SRI.A.T.ANILKUMAR
SRI.M.A.JEEMON**

RESPONDENT(S)/COMPLAINANT & STATE:

1. **STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**
2. **THE SUB INSPECTOR OF POLICE,
KOOTHATTUKULLAM POLICE STATION,
ERNAKULAM DISTRICT.**

BY PUBLIC PROSECUTOR SRI.SREEJITH V.S.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 18-02-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

mbr/

B.KEMAL PASHA, J.

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B.A. No.520 of 2015

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Dated this the 18th day of February, 2015

ORDER

Petition filed under Section 438 Cr.P.C.

2. Petitioners are accused in Crime No.1619 of 2014 of the Koothattukulam Police Station, registered for the offences punishable under Sections 447, 341, 294(b) and 308 read with Section 34 of the Indian Penal Code.

3. The allegation against the petitioners is that on 25.12.2014, at 4.30 p.m., they committed trespass into the courtyard of the house of the defacto complainant, wrongfully restrained the father of the defacto complainant and abused him. It is alleged that the 1st petitioner slapped the wife of the defacto complainant and the 2nd petitioner slapped the mother of the defacto complainant. It is further alleged that the 3rd accused beat the defacto complainant with an iron rod aimed at the head and the same was ward off, which resulted in a small injury on his head.

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

5. The learned counsel for the petitioners has pointed out that Crime No.1620 of 2014 was registered in connection with the very same incident, wherein the petitioners had sustained injuries and that bail has been granted to the accused in the said case. Parties are neighbours. It seems that the investigation of this case is practically over. The custodial interrogation of the petitioners is not required for the continued investigation of this case. No criminal antecedents have been reported against the petitioners. Considering all the above, 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 Wednesdays and Saturdays commencing from 25.02.2015 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/18/2/15

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P.A. To Judge

