

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE SUNIL THOMAS

THURSDAY, THE 9TH DAY OF JULY 2015/18TH ASHADHA, 1937

Bail Appl..No. 653 of 2015

CRIME NO. 84/2015 OF VALLIKUNNAM POLICE STATION , ALAPPUZHA

PETITIONERS/ACCUSED:

- 1. PRASANAN, AGED 52 YEARS,
S/O BHASKARAN, THARUNA QUARTERS, BHARANIKKAVU,
KATTACHIRA.**
- 2. USHA KUMAR, AGED 48 YEARS,
W/O. PRASANAN, THARUNA QUARTERS, BHARANIKKAVU,
KATTACHIRA.**

BY ADV. SRI.V.ANIL (K/1480/98)

RESPONDENT(S):

- 1. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,
ERNAKULAM.
(CRIME NO.84 OF 2015 FO VALLIKUNNAM POLICE STATION).**
- 2. STATION HOUSE OFFICER,
VALLIKUNNAM POLICE STATION, KOTTAYAM.**

BY PUBLIC PROSECUTOR SMT.LISHA M.G.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 09-07-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

PJ

SUNIL THOMAS, J.

B.A. No.653 OF 2015

Dated this the 9th day of July, 2015

O R D E R

The petitioners, who are husband and wife, stand indicted for offences punishable under Sections 294(B), 323,354 read with Section 34 IPC, and with Section 23 of the Juvenile Justice Act,1986 in Crime No.84 of 2015 of Vallikunnam Police Station.

2. The allegation of the defacto complainant is that due to previous enmity, the accused physically assaulted her on 25/1/2015 at 4.45 p.m. after trespassing into the place of incident. It was further alleged that they dropped the grand child of the de facto complainant to the floor and tried to pull her sari with the intention of outraging her modesty. Based on the complaint lodged, the police is investigating. The accused seeks pre-arrest bail.

3. Heard. Examined the records.

4. It is seen that there was an earlier round of litigation between the same parties as crime No.25/2013 in the same police station for offences punishable under Section 294 (b), 324, 323 read with Section 34 IPC. A copy of the order granted by this Court in that case is produced as Annexure A-1. The learned counsel for the petitioner

submitted that there was a counter case against the de facto complainant therein as Crime No.24/2013 in the same police station. Regarding the present incident, it is submitted that the counter case was registered as Crime No.125/2015, wherein among other penal provisions, Section 326 of IPC was also invoked. When going into the above facts, it appears that the parties are closely related and neighbours. Even if there is a serious allegation that the grand child of the defacto complainant was dropped, there is absolutely no evidence at present to show that the child sustained any injury. Investigation has substantially progressed. No weapon is seen used. Substratum of the allegation is to be proved by the oral testimony of the eye witnesses. Considering these facts, I feel that custodial interrogation of the accused is not warranted and bail can be granted, subject to the following conditions:

i). Both the accused shall appear before the Investigating Officer on 16/7/2015 between 10 and 11 a.m. and offer themselves for interrogation and thereafter the investigating officer shall release them on executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two solvent sureties for the like sum each.

ii). They shall not threaten, coerce or intimidate any witnesses or the de facto complainant and shall not get involved in any other

identical offences.

The application is allowed as above.

Sd/-

SUNIL THOMAS

Judge

dpk

/true copy/ PS to Judge.

