

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

**THE HONOURABLE MR. JUSTICE B.KEMAL PASHA**

**FRIDAY, THE 20TH DAY OF FEBRUARY 2015/1ST PHALGUNA, 1936**

**Bail Appl.No. 753 of 2015**  
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**CRIME NO. 23/2015 OF EDAKKARA POLICE STATION, MALAPPURAM**  
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**PETITIONER(S)/ACCUSED NOS.1,2 & 4 TO 6:**  
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1. NARAYANAN, AGED 74 YEARS,  
S/O.KELAN, MURIYAMKANDATHIL HOUSE, VELLARAM MULA,  
KARAPPURAM P.O.
2. PRAFULLA NANDHAN, AGED 63 YEARS,  
S/O.KELAN, MURIYAMKANDATHIL HOUSE, VELLARAM MULA,  
KARAPPURAM P.O.
3. PAVITHRA RAJAN, AGED 43 YEARS,  
S/O.NARAYANAN, MURIYAMKANDATHIL HOUSE, VELLARAM MULA,  
KARAPPURAM P.O.
4. PRAVEEN, AGED 31 YEARS,  
S/O.PRAFULLA NANDHAN, MURIYAMKANDATHIL HOUSE,  
VELLARAM MULA, KARAPPURAM.P.O.
5. PRASAD, AGED 34 YEARS,  
S/O.PRAFULLA NANDHAN, MURIYAMKANDATHIL HOUSE,  
VELLARAM MULA, KARAPPURAM.P.O.

**BY ADVS.SRI.P.VIJAYA BHANU (SR.)  
SRI.VIPIN NARAYAN  
SRI.V.C.SARATH**

**RESPONDENT(S)/COMPLAINANT:**  
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**STATE OF KERALA,  
REPRESENTED BY PUBLIC PROSECUTOR,  
HIGH COURT OF KERALA, ERNAKULAM.**

**BY PUBLIC PROSECUTOR SMT.LALIZA T.Y.**

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON  
20-02-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

**msv/**

**B. KEMAL PASHA, J.**

.....  
B.A. No.753 2015  
.....

*Dated this the 20<sup>th</sup> day of February, 2015*

**ORDER**

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Petition under Section 438 Cr.P.C.

2. Petitioners are accused Nos.1, 2 and 4 to 6 in Crime No.23/2015 of Edakkara Police Station, Malappuram district, registered for the offences punishable under Sections 452, 324 and 506(i) read with Section 149 IPC.

3. The allegation against the petitioners and other accused is that, on 10.01.2015 at 5.30 p.m., they committed house trespass into the house of the *defacto complainant* and attacked the *defacto complainant*. It is alleged that the 6<sup>th</sup> accused beat on the head of the *defacto complainant* with a spade and the 3<sup>rd</sup> accused threw a knife towards him.

4. Heard the learned Senior Counsel for the petitioners and the learned Public Prosecutor.

5. The learned Senior Counsel for the petitioner has pointed out that there is a pending civil dispute between the parties relating to the property and in the incident, the 4<sup>th</sup> petitioner sustained very serious injuries. It seems that there occurred total amputation of his right thumb and index finger. A case has been registered against the *defacto complainant* and others as Crime No.41/2015 of the same police station in respect of the same. Considering the fact that this is a case and counter and the further fact that civil disputes are pending between the parties, I am of the view that the custodial interrogation of the petitioners is not required for the continued investigation of this case. The contents of the CD reveal that the investigation of this case is practically over. Matters being so, I am of the view that this is a fit case wherein anticipatory bail can be granted to the petitioners on conditions.

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 ₹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 Fridays and Tuesdays commencing from 27.02.2015 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)**

aks/20/02

*// True Copy //*

*PA to Judge*