

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

MONDAY, THE 23RD DAY OF FEBRUARY 2015/4TH PHALGUNA, 1936

Bail Appl..No. 757 of 2015

CRIME NO. 41/2015 OF AMBALAVAYAL POLICE STATION , WAYANAD

PETITIONER(S)/1 TO 3RD ACCUSED:

- 1. BABY, AGED 35 YEARS, S/O DEVASSIA,
MANIMALA THAZHATHU, AGIRAMKOTTY, AMBALAVAYAL
S BATHERY.**
- 2. BENNY, S/O DEVASSIA, AGED 32 YEARS, S/O DEVASSIA,
MANIMALA THAZHATHU AGIRAMKOTTY, AMBALAVAYAL
S BATHERY.**
- 3. SHAJI, S/O CHACKO, AGED 36 YEARS, THENAKIL,
AGIRAMKOTTY, AMBALAVAYAL, S BATHERY.**

BY ADV. SRI.M.R.SASITH

RESPONDENT(S):

- 1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM-682031.**
- 2. THE SUB INSPECTOR OF POLICE
AMBLALVAYAL REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM 682031.**

BY PUBLIC PROSECUTOR SMT.LALIZA T.Y.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 23-02-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

PJ

B.KEMAL PASHA, J.

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B.A. No.757 of 2015

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Dated this the 23rd day of February, 2015

ORDER

Petition filed under Section 438 Cr.P.C.

2. Petitioners are A1 to A3 in Crime No.41 of 2015 of the Ambalavayal Police Station, registered for the offences punishable under Sections 341, 323, 324, 354(b), 506(i) and 294(b) read with Section 34 of the Indian Penal Code.

3. The defacto complainant woman used to keep and maintain stray dogs at her property, which has, in fact, become a nuisance to the public in the locality. It is alleged that one of the stray dogs bit the child of the 3rd petitioner. The allegation against the petitioners is that on 27.01.2015, at 6 p.m., they slapped the defacto complainant at the lane leading to her house. When her husband intervened for her rescue, he was beaten up by the petitioners with sticks.

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

5. It seems that there was an outburst from the public against the acts of the defacto complainant in keeping stray

dogs in her property and many persons were attacked by the stray dogs and the child of the 3rd petitioner was bitten by one of the stray dogs. It seems that there was a hue and cry by the public against the acts of the defacto complainant woman, which was culminated in the incident. No criminal antecedents have been reported against the petitioners. Considering the facts and circumstances of the case, I do not think that the custodial interrogation of the petitioners is required for the continued investigation of this case. Matters being so, 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 Mondays and Thursdays commencing from 02.03.2015 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/23/2/15

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PA. To Judge

