

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.907 of 2015

CRIME NO.12/2015 OF PULPALLY POLICE STATION,WAYANAD.

...

PETITIONERS/ACCUSED NO. 1 TO 5:

1. **VINOD,S/O.GOVINDAN,AGED 29 YEARS,
THIRUMUGHAAM COLONY,PAKKAM,PULPALLI.**
2. **ASHOKAN,S/O.POLAN,AGED 41 YEARS,
THIRUMUGHAAM COLONY,PAKKAM,PULPILLI.**
3. **PRASAD,S/O.KARIMBAN,AGED 31 YEARS,
THIRUMUGHAAM COLONY,PAKKAM,PULPILLI.**
4. **SUNEESH,S/O PANCHAMI,AGED 29 YEARS,
THIRUMUGHAAM COLONY,PAKKAM,PULPILLI.**
5. **VIJESH,S/O.RAMAN,AGED 26 YEARS,
THIRUMUGHAAM COLONY,PAKKAM,PULPILLI.**

**BY ADVS.SRI.K.V.PAVITHRAN
SRI.JAYANANDAN MADAYI PUTHIYAVEETIL**

RESPONDENT/COMPLAINANT:

**S.H.O,SULTHAN BATHERY,
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 09-03-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

pk

B. KEMAL PASHA, J.

.....
B.A. No.907 of 2015
.....

Dated this the 9th day of March, 2015

ORDER

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Petition under Section 438 Cr.P.C.

2. Petitioners are the accused in Crime No.12/2015 of Pulpalli Police Station registered for the offences punishable under Sections 143, 147, 451, 354, 323 and 506 (i) read with Section 149 IPC.

3. The allegation against the petitioners is that, on 01.01.2015 at 00.45 a.m., they trespassed into the house of the de facto complainant and intimidated and slapped the wife of the de facto complainant. When the de facto complainant intervened for her rescue, he was also beaten up and kicked and stamped.

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

5. The only non bailable offence alleged is one

under Section 354 IPC. On going through the contents of the CD, the records do not reveal a clear attempt to outrage the modesty of the woman in this case. 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, I am of the view that this is a fit case wherein anticipatory bail can be granted to the petitioners.

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 Mondays and Thursdays, commencing from*

*16.03.2015 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)**

aks/09/03

*// True Copy //*

*PA to Judge*