

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

WEDNESDAY, THE 25TH DAY OF FEBRUARY 2015/6TH PHALGUNA, 1936

Bail Appl..No. 925 of 2015

CRIME NO. 169/2015 OF SOORANADU POLICE STATION, KOLLAM DISTRICT

PETITIONER(S)/ACCUSED 1 AND 2 :

- 1. K.P.KRISHNA KUMAR, AGED 55 YEARS,
S/O.PARAMESWARAN UNNITHAN, KIZHAKKEDATHU VEEDU,
KIDANGAYAM NADUVIL, SOORANADU THEKKU, KOLLAM DISTRICT.**
- 2. SURENDRAN K., AGED 58 YEARS,
S/O.KUNJOLA, CHIKKU NIVAS, KIDANGAYAM NADUVIL,
SOORANADU THEKKU, KOLLAM DISTRICT.**

BY ADV. SRI.B.MOHANLAL

RESPONDENT(S)/COMPLAINANT :

**STATE,
REPRESENTED BY THE STATION HOUSE OFFICER,
SOORANADU POLICE STATION, KOLLAM DISTRICT,
THROUGH THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**

BY PUBLIC PROSECUTOR SRI.LALIZA.T.Y

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 25-02-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Msd.

B.KEMAL PASHA, J.

=====

B.A. No.925 of 2015

=====

Dated this the 25th day of February, 2015

ORDER

Petition filed under Section 438 Cr.P.C.

2. Petitioners are A1 and A2 in Crime No.169 of 2015 of the Sooranadu Police Station, Kollam District, registered for the offences punishable under Sections 452, 294(b), 427, 354, 323 and 506(i) read with Section 34 of the Indian Penal Code.

3. The allegation against the petitioners is that on 06.02.2015 at 10 p.m., they came by car bearing registration No.KL-07-BG-4244 in front of the house of the defacto complainant woman and thereafter the 1st petitioner smashed and destroyed the round glass affixed in front of the sit-out of the house, thereby causing a wrongful loss of Rs.2,000/- to the defacto complainant. Thereafter, he committed house trespass into the house and made sexual overtures towards

the defacto complainant woman and caught on her neck and hand. When she raised her voice, her children came out from the room. When she along with her children ran out of the house, the 2nd petitioner abused them in filthy language and made it clear that he would do anything as per the direction of the 1st petitioner.

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

5. The contents of the CD *prima facie* reveal the complicity of the petitioners. The allegations against the petitioners are very grave and serious. It shows that the husband of the defacto complainant has some money transactions with the 1st petitioner and these atrocities were committed by the petitioners as a mode of recovery of the same. The investigation of this case is not over. Considering the seriousness of the allegations against the petitioners and the present stage of the investigation, I am of the view that this is not a fit case wherein anticipatory bail can be granted to the petitioners. At the same time, no criminal antecedents have been reported against the petitioners. Considering the

said aspect, I am of the view that an opportunity can be granted to the petitioners to surrender before the investigating officer in order to co-operate with the investigation.

In the result, this bail application is dismissed. At the same time, if so advised, the petitioners may surrender before the investigating officer within ten days from today and in such case, the investigating officer can interrogate the petitioners, effect recovery if any, and conduct the investigation and produce the petitioners without delay before the court below, where the petitioners can move for bail. In such case, the learned Magistrate shall pass appropriate orders, preferably on the same day itself, provided advance notice on such application has been given to the Assistant Public Prosecutor also.

Sd/-
B.KEMAL PASHA
JUDGE

DSV/25/2/15

// True Copy //

P.A. To Judge