

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

MONDAY, THE 2ND DAY OF MARCH 2015/11TH PHALGUNA, 1936

Bail Appl..No. 960 of 2015 ()

CRIME NO. 233/2015 OF KATTAPPANA POLICE STATION, IDUKKI DISTRICT

PETITIONERS/ACCUSED :

1. MANI KUNJUMON @ MANIYAMMA  
AGED 50 YEARS, KULAMAMKUZHI, KOCHUTHOVALA, IDUKKI.
2. DILEEP,  
S/O. KUNJUMON, AGED 30 YEARS  
KULAMAMKUZHI, KOCHUTHOVALA, IDUKKI.
3. MANJU,  
W/O. DILEEP, AGED 30 YEARS  
KULAMAMKUZHI KOCHUTHOVALA, IDUKKI.
4. JOSHY, AGED 45 YEARS  
KULAMAMKUZHI, KOCHUTHOVALA, IDUKKI.

BY ADVS.SRI.SHAJI THOMAS  
SRI.BINU PAUL  
SRI.T.V.VINU

RESPONDENTS/STATE & COMPLAINANT :

1. STATE OF KERALA  
REPRESENTED BY THE PUBLIC PROSECUTOR  
HIGH COURT OF KERALA, ERNAKULAM-682 031.
2. SUB INSPECTOR OF POLICE,  
KATTAPPANA, IDUKKI DISTRICT- 685 508.

R1 & R2 BY PUBLIC PROSECUTOR SRI. SREEJITH V.S.

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 02-03-2015,  
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

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**B.KEMAL PASHA, J.**

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B.A. No. 960 of 2015

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Dated this the 2<sup>nd</sup> day of March, 2015

**O R D E R**

Petition under Section 438 Cr.P.C.

2. Petitioners are A2, A1, A4 and A3 respectively in Crime No.233/2015 of the Kattappana Police Station registered for the offences punishable under Sections 294(b), 323, 324, 307 and 506 (ii) read with Section 34 IPC.

3. The allegation against the petitioners is that on 12.02.2015 at 8.30 a.m., they abused the de facto complainant and his father and attacked them. It is alleged that by using lethal weapons, they attacked the de facto complainant and his father, thereby causing very serious injuries. The father of the de facto complainant sustained a lacerated wound (5 c.m. x 1 c.m.) on the left fronto parietal region of scalp with depressed fracture of the frontal bone and pneumo-cephalus.

4. Heard the learned counsel for the petitioners and the

learned Public Prosecutor.

5. The learned counsel for the petitioners has pointed out that the petitioners were also attacked by the de facto complainant and his father and others, whereby they sustained injuries, for which Crime No.240/2015 of the said Police Station has been registered for the offences punishable under Sections 323, 324 etc. It seems that the father of the de facto complainant sustained very serious injuries and he has marginally escaped. Considering the seriousness of the allegations against the petitioners, and the present stage of investigation, I am satisfied that this is not a fit case in which anticipatory bail can be granted, especially when the contents of the C.D. *prima facie* reveal the complicity of the petitioners. The learned counsel for the petitioners has pointed out that the 3<sup>rd</sup> petitioner, who is A4, is a pregnant woman. Considering the said aspect and the fact that no specific overt act has been alleged against the said petitioner, I am of the view that

anticipatory bail can be granted to the 3<sup>rd</sup> petitioner.

6. In the result, this bail application is allowed in part and the investigating officer or such other police officer, who is conducting the arrest of the petitioners, is directed to enlarge the 3<sup>rd</sup> petitioner on bail in the event of her arrest on her 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 3<sup>rd</sup> petitioner shall report before the investigating officer in between 9 a.m. and 11 a.m. on all Mondays and Thursdays, commencing from 09.03.2015 for a period of three months or till the filing of the final report in this case, whichever is earlier.

(ii) The 3<sup>rd</sup> petitioner shall not tamper with the evidence or influence witnesses.

(iii) The 3<sup>rd</sup> petitioner shall make himself available for interrogation as and when required by the

investigating officer.

(iv) The 3<sup>rd</sup> petitioner 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.

7. The Bail Application, as far as the other petitioners is concerned, stands dismissed. At the same time, the learned counsel for the petitioners seeks for an opportunity to the other petitioners, who is A1 to A3, to surrender before the investigating officer and to co-operate with the investigation.

8. If so advised, A1 to A3 may surrender before the investigating officer within ten days from today and in such case, the investigating officer can interrogate these petitioners, effect recovery if any, and conduct the investigation and produce these petitioners without delay before the concerned Judicial First Class Magistrate's Court, 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**

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P.A to Judge