

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. 1082 of 2015

CRIME NO. 187/2015 OF THALAYOLAPARAMBU POLICE STATION, KOTTAYAM
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PETITIONER(S)/ACCUSED:

1. SHOBHANAKUMARI, AGED 49 YEARS,
W/O.RAVEENDRAN NAIR,
RESIDING AT SOBHA HOUSE, EDAVATTOM P.O.,
THALAYOLAPARAMBU, KOTTAYAM DISTRICT.
2. ANISH, S/O.RAVINDRAN NAIR, AGED 28 YEARS,
RESIDING AT SOBHA NILAYAM, EDAVATTOM P.O.,
THALAYOLAPARAMBU, KOTTAYAM DISTRICT.

**BY ADVS.SMT.P.K.RADHIKA
SMT.VINITHA B.**

RESPONDENT(S)/COMPLAINANTS:

1. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM, COCHIN - 31.
2. THE SUB INSPECTOR OF POLICE,
THALAYOLAPARAMBU,
KOTTAYAM DISTRICT - 686 001.

BY PUBLIC PROSECUTOR SRI.SREEJITH V.S.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
09-03-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

msv/

B. KEMAL PASHA, J

B.A No.1082 of 2015

Dated this the 9th day of March, 2015

ORDER

Petition under Section 438 Cr.P.C.

2. Petitioners are the accused in Crime No187 of 2015 of Thalayolaparambu Police Station registered for the offences punishable under Sections 448, 326 and Section 506(ii) read with Section 34 IPC.

3. The allegation against the petitioners is that on 16-2-2015 at 8-30 a.m, they committed trespass into the courtyard of the house of the de-facto complainant and the first accused threw chilly powder on the face of the de-facto complainant and the second accused beat the de-facto complainant with an iron rode, thereby causing fracture of his ulna and an injury on his scalp.

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

5. It seems that the parties were in loggerheads in connection with a property dispute. The de-facto complainant is

none other than the brother of the 1st petitioner and the maternal uncle of the second petitioner. Even though the wound certificate does not show the fracture of Ulna, discharge summary shows that there was a fracture of the shaft of left Ulna.

6. No criminal antecedents have been reported against the petitioners. Considering the fact that there was property dispute between the parties and also the fact that the parties are close relatives, I am of the view that anticipatory bail can be granted to the petitioners.

7. 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 16-3-2015 for a period of six months.

(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.

B.KEMAL PASHA, JUDGE

smm