

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

THURSDAY, THE 26TH DAY OF MARCH 2015/5TH CHAITHRA, 1937

Bail Appl..No. 1133 of 2015

CRIME NO. 110/2015 OF MARANALLOR POLICE STATION , THIRUVANANTHAPURAM

PETITIONERS/ACCUSED 1 AND 4:

1. JYOTHI KUMAR.S., AGED 39 YEARS
S/O.SASIDHARAN NAIR K., JYOTHY BHAVAN
MARANALLOOR VILLAGE, KOOVALASSERY P.O.
2. JYOTHI PRAKASH
S/O.SASIDHARAN NAIR K., JYOTHY BHAVAN
MARANALLOOR VILLAGE, KOOVALASSERY P.O.

BY ADV. SRI.R.GOPAN

RESPONDENTS/COMPLAINANTS:

1. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM-682031.
2. THE SUB INSPECTOR OF POLICE
MARANALLOOR POLICE STATION
THIRUVANANTHAPURAM DISTRICT-

BY PUBLIC PROSECUTOR, SMT.LALIZA T.Y.

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
26-03-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

B.KEMAL PASHA, J.

B.A.No.1133 of 2015

Dated this the 26th day of March 2015

ORDER

Petition under Section 438 Cr.P.C.

2. Petitioners are accused Nos.2 & 4 in Crime No.110/2015 of Maranalloor Police Station, Thiruvananthapuram registered for the offences punishable under Sections 452, 323, 324, 294(b), 506(ii) and 427 read with Section 34 of the I.P. C.

3. The allegation against the petitioners and other accused is that on 1.2.2015 at 2.30 p.m., they committed house trespass into the house of the *defacto complainant* in search of the son of the *defacto complainant* and A1 fist on the chest of the *defacto complainant*, thereby he fell down. Thereafter, A1 inflicted a cut

on the *defacto complainant* with a chopper, which was warded off by the *defacto complainant*, with his right hand, thereby he sustained an injury on his right wrist. Thereafter, it is alleged that A1 smashed and destroyed the glasses of the window panes of the house with the chopper, thereby causing a wrongful loss of ₹5,000/- to the *defacto complainant*. The allegation against A2 and A4 is that they have abused the *defacto complainant*, his wife and son.

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

5. It seems that the only allegation against the petitioners is that they have committed trespass into the house of the *defacto complainant* and they abused the *defacto complainant*, his wife and his son. No criminal antecedents have been reported against the petitioners. Considering the facts and circumstances of this case and the allegations against the petitioners, 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 Thursdays and Mondays commencing from 2.4.2015 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

dl

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PA to Judge