

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

THURSDAY, THE 19TH DAY OF MARCH 2015/28TH PHALGUNA, 1936

Bail Appl..No. 1176 of 2015 ()

CRIME NO. 97/2015 OF ALATHUR POLICE STATION , PALAKKAD DISTRICT

PETITIONER(S)/ACCUSED NOS. 1 TO 4:

1. APPUKUTTAN, AGED 59 YEARS,
S/O.VELAYUDHAN, PANDAYAMKAD, AMBALAVATTAM,
PULLODE, ALATHUR, PALAKKAD.
2. RAJAGOPALAN, AGED 49 YEARS,
S/O.RAMANKUTTY, PANDAYAMKAD, AMBALAVATTAM,
PULLODE, ALATHUR, PALAKKAD.
3. SHIBU, AGED 25 YEARS,
S/O.DAMODHARAN, MOOLAMKODE, AMBALAVATTAM,
PULLODE, ALATHUR, PALAKKAD.
4. DAMODHARAN, AGED 59 YEARS,
S/O.ARU, PANDAYAMKAD, AMBALAVATTAM,
PULLODE, ALATHUR, PALAKKAD.

BY ADV. SRI.V.A.JOHNSON (VARIKKAPPALLIL)

RESPONDENT/COMPLAINANT:

STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682 031

BY PUBLIC PROSECUTOR SRI.V.S.SREEJITH

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 19-03-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

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B.KEMAL PASHA, J.

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B.A.No.1176 of 2015

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Dated this the 19th day of March, 2015

ORDER

Petition filed under Section 438 Cr.P.C.

2. The petitioners are accused in Crime No.97 of 2015 of the Alathur Police Station, Palakkad District, registered for the offences punishable under Sections 341, 323, 326, 506(i) and 452 read with Section 34 of the Indian Penal Code.

3. The allegation against the petitioners is that on 14.01.2015 at 11 p.m., they attacked the defacto complainant, who is none other than the younger brother of the 1st petitioner. The allegation is that the 1st petitioner beat the defacto complainant with an iron rod, thereby causing a fracture of the shaft of his left radius. The 2nd accused fisted the defacto complainant on his face, thereby causing injury on his eye and the 3rd accused and the 4th accused slapped and fisted the defacto complainant.

4. Heard learned counsel for the petitioners and the

learned Public Prosecutor.

5. The 1st accused is the elder brother of the defacto complainant and the other accused are close relatives of the petitioner and the defacto complainant. The 1st petitioner and the defacto complainant are residing in the very same house. At present, it cannot be said that the offence under Section 452 of the Indian Penal Code can be attracted in the matter. When the parties are close relatives, I am of the view that there is every possibility of a re-union and settlement in the matter. It is true that the defacto complainant has sustained grievous hurt. In case anticipatory bail is not granted to the petitioners, the enmity will only be aggravated. Considering the facts and circumstances and the relationship between the parties, I am of the view that anticipatory bail can be granted to the petitioners on conditions:

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 for the like sum each to the satisfaction of the officer conducting arrest, and subject to the following terms and conditions:-

(i) The 1st petitioner shall report before the investigating officer in between 09.00 a.m. and 11.00 a.m. on all Thursdays and Mondays commencing from 26.03.2015 for a period of six months.

(ii) Petitioners 2 to 4 shall report before the investigating officer in between 09.00 a.m. and 11.00 a.m. on all Thursdays and Mondays commencing from 26.03.2015 for a period of three months or till the filing of the final report in this case, whichever is earlier.

(iii) Except for observing condition No.(i), as mentioned above, the 1st petitioner shall not enter the local limits of the Alathur Police Station for a period of six months.

(iv) Petitioners shall not tamper with the evidence or influence witnesses.

(v) Petitioners shall make themselves available for interrogation as and when required by the investigating officer.

(vi) 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

DSV/19/3/15

// TRUE COPY //

PA to Judge