

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

FRIDAY, THE 13TH DAY OF MARCH 2015/22ND PHALGUNA, 1936

Bail Appl..No. 1224 of 2015 ()

CRIME NO. 767/2014 OF PUVAR POLICE STATION, THIRUVANANTHAPURAM

PETITIONER/ACCUSED NO. 1 :

**SISUPALAN, AGED 60 YEARS
S/O.KUNJAN PANICKER, PATTIVILA PUTHAN VEEDU, VENPAKAL
ATHIYANNOOR VILLAGE, NEYYATTINKARA
THIRUVANANTHAPURAM.**

**BY ADVS.SRI.S.RAJEEV
SRI.K.K.DHEERENDRA KRISHNAN
SRI.V.VINAY**

RESPONDENTS/STATE :

- 1. STATE OF KERALA
REP. BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA
ERNAKULAM - 682 031
(CRIME NO. 767/2014 OF POOVAR POLICE STATION
THIRUVANANTHAPURAM DISTRICT).**
- 2. STATION HOUSE OFFICER
PUVAR POLICE STATION
THIRUVANANTHAPURAM DISTRICT - 695 525
(CRIME NO. 767/2014 OF PUVAR POLICE STATION
THIRUVANANTHPURAM DISTRICT).**

R1 & R2 BY PUBLIC PROSECUTOR SMT. LALIZA T.Y.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 13-03-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Mn

B. KEMAL PASHA, J.

.....
B.A. No.1224 of 2015
.....

Dated this the 13th day of March, 2015

ORDER

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Petition under Section 438 Cr.P.C.

2. Petitioner is the 1<sup>st</sup> accused in Crime No.767/2014 of Poovar Police Station registered for the offences punishable under Sections 447, 323, 324, 294(b) and 427 read with Section 34 IPC. It seems that subsequently, the offence under Section 354 IPC has also been incorporated.

3. There were longstanding disputes between the parties in respect of a property. Civil suit is also pending. It is alleged that when the Commissioner appointed by the Civil court was about to visit the property, prior to that visit, the petitioners cut and removed the plantains planted by the de facto complainant in the property. When the de facto complainant obstructed it, he was stabbed by the petitioner

with a knife and A2 and A3 stamped and fisted the de facto complainant. When his aunt intervened, she was abused and she was pushed down by the petitioner.

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

5. It seems that the offence under Section 354 IPC is subsequently added. The contents of the CD do not reveal a conscious attempt from the part of the petitioner to outrage the modesty of the woman. All other offences are bailable. Considering the longstanding property disputes between the parties and the fact that the parties are in loggerheads, I am of the view that this is a fit case wherein anticipatory bail can be granted to the petitioner.

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 petitioner, is directed to enlarge the petitioner on bail in the event of his arrest on his 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 petitioner shall report before the investigating officer in between 9 a.m. and 11 a.m. on all Fridays and Tuesdays commencing from 20.03.2015 for a period of three months or till the filing of the final report in this case, whichever is earlier.*

*(ii) The petitioner shall not tamper with the evidence or influence witnesses.*

*(iii) The petitioner shall make himself available for interrogation as and when required by the investigating officer.*

*(iv) The 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.

Sd/-  
**(B.KEMAL PASHA, JUDGE)**

aks/13/03

*// True Copy //*

*PA to Judge*