

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

MONDAY, THE 23RD DAY OF MARCH 2015/2ND CHAITHRA, 1937

Bail Appl..No. 1231 of 2015 ()

CRIME NO. 72/2015 OF HEMAMBIKA NAGAR POLICE STATION, PALAKKAD

PETITIONERS/ACCUSED 1 TO 4 :

- 1. SURESH, AGED 30 YEARS
S/O.CHINNA, EMS NAGAR, PAYITTAMKUNNU
DHONI P.O., PALAKKAD - 678 009.**
- 2. PRAKASHAN, AGED 44 YEARS
S/O.VELAYUDHAN, 4 CENT COLONY, PAPPADI
DHONI P.O., PALAKKAD - 678 009.**
- 3. PRAVEEN, AGED 23 YEARS
S/O.PRAKASHAN, 4 CENT COLONY, PAPPADI
DHONI P.O., PALAKKAD - 678 009.**
- 4. PRASHANTH, AGED 22 YEARS
S/O.PRAKASHAN, 4 CENT COLONY, PAPPADI
DHONI P.O., PALAKKAD - 678 009.**

**BY ADVS.SRI.T.B.HOOD
SMT.M.ISHA**

RESPONDENT/STATE :

**STATE OF KERALA
REPRESENTED BY THE SUB INSPECTOR OF POLICE
HEMAMBIKA NAGAR POLICE STATION
PALAKKAD -678 009
THROUGH THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, KOCHI - 682 031.**

BY PUBLIC PROSECUTOR SMT. LALIZA T.Y.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 23-03-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Mn

B.KEMAL PASHA, J.

B.A.No.1231 of 2015 C

Dated this the 23rd day of March 2015

ORDER

Petition under Section 438 Cr.P.C.

2. Petitioners are accused Nos.1 to 4 in Crime No.72/2015 of Hemambika Nagar Police station, Palakkad registered for the offences punishable under Sections 341, 323, 324, 294(b), 325, 354, 506(i) read with Section 34 of the I.P. C.

3. The allegation against the petitioners is that on 27.1.2015, while the *defacto complainant* woman was taking water from the water tap situated near her house, the first petitioner approached her and following a wordy altercation, the petitioners attacked her. The allegation is that A1 questioned her on her act of giving complaint before the police, as A1 had earlier beat her

brother. She was severely abused and pushed down by him. When her husband intervened for her rescue, he was also beaten up. A2 to A4, who are the associates of A1/first petitioner, rushed to the spot and both the *defacto complainant* and her husband were beaten up by all the petitioners. It is also alleged that A2 tore the front of her churidar and A1 caught hold of her hair and slapped on her neck and cheek. The hand of her husband was forcefully twisted, whereby he suffered a dislocation.

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

5. All the main overt acts are alleged against A1. The learned Public Prosecutor has pointed out that A1 is the accused in 3 other crimes and his name finds a place in the 'rowdy list' of the concerned Police station. Considering the seriousness of allegations against A1 and the criminal antecedents on his part, I am of the view that he is not entitled to the discretionary relief of

anticipatory bail. At the same time, no criminal antecedents have been reported against petitioners 2 to 4. Considering the facts and circumstance of the case and the lesser part attributed to petitioners 2 to 4, I am of the view that this is a fit case wherein anticipatory bail can be granted to petitioners 2 to 4.

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 petitioners 2 to 4, is directed to enlarge these 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 said petitioners shall report before the investigating officer in between 9 a.m. and 11 a.m. on all Mondays and Thursdays, commencing from 30.3.2015 for a period of three months or till the filing

of the final report in this case, whichever is earlier.

(ii) The said petitioners shall not tamper with the evidence or influence witnesses.

(iii) The said petitioners shall make themselves available for interrogation as and when required by the investigating officer.

(iv) The said 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.

As far as the first petitioner is concerned, this bail application stands dismissed.

Sd/-
B.KEMAL PASHA,
JUDGE

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PA to Judge