

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. 1288 of 2015 ()

CRIME NO. 230/2015 OF ADOOR POLICE STATION,PATHANAMTHITTA DISTRICT

PETITIONER/ACCUSED:

**SALAVUDEEN M.,
S/O.M.MOHAMMED HANIFA,AGED 44 YEARS,
'HAYATH' S.S.MANZIL, KANNAMCODE MURI,
ADOOR VILLAGE, ADOOR TALUK,
PATHANAMTHITTA DISTRICT.**

BY ADV. SRI.B.MOHANLAL

RESPONDENT/COMPLAINANT:

**STATE, REPRESENTED BY THE STATION HOUSE OFFICER,
ADOOR POLICE STATION, PATHANAMTHITTA DISTRICT,
THROUGH THE PUBLIC PROSECUTOR,
HIGH COURT OFKERALA, ERNAKULAM.**

BY PUBLIC PROSECUTOR SRI.V.S.SREEJITH

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

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B.KEMAL PASHA, J.

B.A.No.1288 of 2015 C

Dated this the 23rd day of March 2015

ORDER

Petition under Section 438 Cr.P.C.

2. Petitioner is the accused in Crime No.230/2015 of Adoor police station registered for the offences punishable under Sections 452, 323, 324, 506(ii) and 427 of the I.P.C.

3. The petitioner is the brother of the *defacto complainant*. There is a property dispute in between the parties and a civil suit is also pending between them. It seems that the property in question, originally belongs to the mother of the parties. Somehow, it seems

that the *defacto complainant* had obtained the property from their mother. That may be reason why the civil dispute has arisen between the parties. It is alleged that on 25.2.2015 at 2.30 p.m., the petitioner committed house trespass into the house of the *defacto complainant* after forcing open the rear door of the kitchen, and attacked the *defacto complainant* with a weapon.

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

5. Even though, it is alleged that the petitioner had made used of weapon to attack the *defacto complainant*, the wound certificate shows that her complaint before the Doctor was that she was slapped with hand on her face and abdomen. At that time she had no case that any weapon was made use of, for attacking her. Considering the relationship between the parties, the existing civil suit and the absence of criminal antecedents on the part of the petitioner, 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 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 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

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PA to Judge