

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

TUESDAY, THE 24TH DAY OF MARCH 2015/3RD CHAITHRA, 1937

Bail Appl..No. 1462 of 2015

CRIME NO. 132/2015 OF MAYYIL POLICE STATION , KANNUR

PETITIONER(S)/ACCUSED 1 AND 2:

- 1. T.V.SUDHEERAN, AGED 41 YEARS
S/O.GOPALAN NAIR, THALIYIL VEEDU, PALLERI
NARATH PO, KANNUR, PIN 670 601.**
- 2. K. SAJEEVAN, AGED 44 YEARS,
S/O.GOPALAN NAIR, THALIYIL VEEDU, PALLERI
NARATH PO KANNUR, PIN 670 601.**

BY ADV. SRI.K.P.SUJESH KUMAR

RESPONDENT(S)/COMPLAINANT:

**STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM.**

BY PUBLIC PROSECUTOR SRI.SREEJITH V.S.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 24-03-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

PJ

B.KEMAL PASHA, J.

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B.A.No.1462 of 2015

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Dated this the 24th day of March, 2015

ORDER

Petition filed under Section 438 Cr.P.C.

2. The petitioners are A1 and A2 in Crime No.132 of 2015 of the Mayyil Police Station, registered for the offences punishable under Sections 143, 147, 354, 452, 427 and 506(i) read with Section 149 of the Indian Penal Code.

3. It is alleged that on 01.02.2015 at 12 noon, they have obstructed the construction of a septic tank by the defacto complainant woman in her property and destroyed and damaged the tank. Thereafter, it is alleged that A1 committed house trespass into the central hall of the house of the defacto complainant and caught hold of her hand and neck and intimidated her, thereby outraging her modesty. Again at

11.30 p.m. of that day, it is alleged that the petitioners pelted stones on the house of the defacto complainant, thereby damaging glasses of the window panes, tiles on the roof etc. It is alleged that the the petitioners have caused a wrongful loss of ₹20,000/- to the defacto complainant.

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

5. It seems that even though the incident had allegedly occurred on 01.02.2015, the matter was reported to the Police only on 13.02.2015. There is inordinate delay in informing the matter to the Police. It seems that even prior to that there were civil disputes between the parties in respect of properties. Considering the said delay in informing the matter to the Police, I am of the view that the custodial interrogation of the petitioners is not required for the continued investigation of this case. It is a fact that a wrongful loss of ₹20,000/- has been caused to the defacto complainant. By making a provision for compensating the loss sustained to the defacto complainant, I am of the view that anticipatory bail can be granted to the petitioners.

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) Each of the petitioners shall deposit an amount of ₹10,000/- (Rupees ten thousand only) before the court below within ten days from today. The said amount shall be kept in deposit, till the disposal of the case, for compensating the loss, if any, sustained to the defacto complainant.

(ii) Petitioners shall report before the investigating officer in between 09.00 a.m. and 11.00 a.m. on all Tuesdays and Fridays commencing from 31.03.2015 for a period of three months or till the filing of the final report in this case, whichever is earlier.

(iii) Petitioners shall not tamper with the

evidence or influence witnesses.

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

(v) 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/24/3/15

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P.A. To Judge