

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

**THE HONOURABLE MR. JUSTICE B.KEMAL PASHA**

**TUESDAY, THE 7TH DAY OF APRIL 2015/17TH CHAITHRA, 1937**

**Bail Appl..No. 1585 of 2015**  
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**CRIME NO. 272/2015 OF MANNARKKAD POLICE STATION, PALAKKAD**  
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**PETITIONER(S)/ACCUSED 1-3 :**  
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- 1. MERY, AGED 50 YEARS,  
W/O.SUNNY PADETHAN, THOTTAYA, ELAMBULASSERRY,  
MANNARKKAD, PALAKKAD DISTRICT.**
- 2. SUNNY PADETHAN, AGED 55 YEARS,  
S/O.JOHN, THOTTAYA, ELAMBULASSERRY, MANNARKKAD,  
PALAKKAD DISTRICT.**
- 3.BINCY, AGED 24 YEARS,  
W/O.SIBY, ALANGADU, KADAMBAZHIPPURAM,  
PALAKKAD DISTRICT.**

**BY ADV. SRI.K.T.THOMAS**

**RESPONDENT(S)/COMPLAINANT :**  
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**STATE OF KERALA,  
REP. BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA,  
ERNAKULAM.**

**BY PUBLIC PROSECUTOR SMT.LALIZA.T.Y**

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION  
ON 07-04-2015, THE COURT ON THE SAME DAY PASSED THE  
FOLLOWING:**

Msd.

**B.KEMAL PASHA, J.**

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B.A. No. 1585 of 2015

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Dated this the 7<sup>th</sup> day of April, 2015

**ORDER**

Petition under Section 438 Cr.P.C.

2. Petitioners are A2, A1 and A3 respectively in Crime No.272/2015 of the Mannarkkad Police Station, pending investigation, for the offences punishable under Sections 447, 323 and 324 read with Section 34 IPC.

3. There is a dispute with regard to a property in between the parties and a civil suit is pending. It is alleged that on 2.3.2015 at 6.30 a.m., while the de facto complainant was collecting usufructs from the property, the 2<sup>nd</sup> accused beat on his forehead with a wooden stick and hit on his face with a stone, thereby causing injuries. It is also alleged that A1 and A3 slapped the de facto complainant.

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

5. The parties are close relatives. The 2<sup>nd</sup> accused is none other than the sister of the de facto complainant. The 1<sup>st</sup> accused is the husband of the 2<sup>nd</sup> accused. There is a long standing property dispute between the parties and a civil suit is pending. It seems that when the de facto complainant attempted to collect usufructs from the property, there occurred a quarrel between the parties, which has culminated in injuries to the de facto complainant. According to the petitioners, a pull and push had occurred, during which the de facto complainant has fell down and he sustained injuries. There is no allegation that A1 and A3 have made use of any weapon. The allegation against the 2<sup>nd</sup> accused is that she beat the de facto complainant with a wooden stick and also hit him with granite stone. Considering the close relationship between the parties and the fact that there is a civil suit in respect of the property in question, and the facts and circumstances of this case, I am of the view that this is a fit case wherein anticipatory bail can

be granted to the petitioners.

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

(i) The petitioners shall report before the investigating officer in between 9 a.m. and 11 a.m. on all Tuesdays and Fridays, commencing from 14.4.2015 for a period of three months or till the filing of the final report in this case, whichever is earlier.

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

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

investigating officer.

(iv) The 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**

stu

//True copy//

P.Ato Judge