

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

THURSDAY, THE 9TH DAY OF APRIL 2015/19TH CHAITHRA, 1937

Bail Appl..No. 1907 of 2015 ()

CRIME NO. 446/2015 OF PAYYANNUR POLICE STATION, KANNUR DISTRICT

PETITIONER(S)/ACCUSED 1 TO 3 :

- 1. ABKAR SHA.M.T.P.,
S/O.KUNHI MOIDEEN, AGED 24 YEARS,
M.T.P. HOUSE, THAYINERI, PAYYANNUR.P.O.,
KANNUR DISTRICT,PIN-670 307.**
- 2. KUNHI MOIDEEN, S/O. KUTTI HAJI, AGED 62 YEARS,
M.T.P. HOUSE, THAYINERI, PAYYANNUR.P.O.,
KANNUR DISTRICT, PIN-670 307**
- 3. JAFAR ALI, S/O.K.M.T.MUSTAFA, AGED 28 YEARS,
NAJMA MANZIL, PERALAM, VELLOOR.P.O.,
KANNUR DISTRICT.**

BY ADV. SRI.SANTHEEP ANKARATH

RESPONDENT/COMPLAINANT :

**STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM,
REPRESENTING STATION HOUSE OFFICER,
PAYYANNUR POLICE STATION, KANNUR DISTRICT,PIN-670 307**

BY PUBLIC PROSECUTOR SMT. LALIZA.T.Y.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 09-04-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

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B. KEMAL PASHA, J.

.....
B.A. No.1907 of 2015
.....

Dated this the 9th day of April, 2015

ORDER

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Petition under Section 438 Cr.P.C.

2. Petitioners are accused Nos.1 to 3 in Crime No.446/2015 of Payyannur Police Station registered for the offences punishable under Sections 452, 341, 323, 427, 294 (b) and 354B read with Section 34 IPC.

3. The allegation against the petitioners is that, on 25.03.2015 at 9.30 p.m., they committed house trespass into the house of the de facto complainant woman, abused her in filthy language and smashed and destroyed the household articles, thereby causing a wrongful loss of ₹4,000/- to the de facto complainant and she was slapped whereby her modesty was outraged.

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

5. It seems that this case is registered as counter to crime No.442/2015 of the very same police station. The investigating officer has reported that the investigation has revealed that the versions given by the de facto complainant in this case are imaginary and the said versions are made just for cooking up a counter case. Considering the facts and circumstances of this case and the present stage of the investigation, I do not think that the custodial interrogation of the petitioners is required for the continued investigation of this case. Matters being so, 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 16.04.2015.*

*(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)**

aks/09/04

*// True Copy //*

*PA to Judge*