

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.SUDHEENDRA KUMAR

FRIDAY, THE 26TH DAY OF JUNE 2015/5TH ASHADHA, 1937

Bail Appl..No. 1913 of 2015 ()

CRIME NO. 93/2015 OF VANDANMEDU POLICE STATION, IDUKKI DISTRICT

PETITIONERS/ACCUSED NO. 1, 2 & 4 :

- 1. M.C.RAJENDRAN, AGED 50 YEARS
S/O. CHINNAYYAN, PUTHENPURACKAL HOUSE
RAJAKKANDAM KARA, ANAKKARA VILLAGE.**
- 2. REJIMON, AGED 25 YEARS,
S/O. RAJENDRAN, PUTHENPURACKAL HOUSE,
RAJAKKANDAM KARA, ANAKKARA VILLAGE**
- 3. VINCENT RAJAYYA, AGED 48 YEARS
S/O. RAJAYYA, MADAVANA HOUSE, RAJAKKANDAM KARA
ANAKKARA VILLAGE.**

**BY ADVS.SRI.S.RAJEEV
SRI.K.K.DHEERENDRA KRISHNAN
SRI.V.VINAY**

RESPONDENTS//STATE :

- 1. STATE OF KERALA
REP. BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA
ERNAKULAM – 682 031
(CRIME NO.93/2015 OF VANDANMEDU POLICE STATION
IDUKKI DISTRICT)**
- 2. STATION HOUSE OFFICER
VANDANMEDU POLICE STATION
IDUKKI DISTRICT - 685551
(CRIME NO. 93/2015 OF VANDANMEDU POLICE STATION
IDUKKI DISTRICT)**

R1 & R2 BY PUBLIC PROSECUTOR SRI. RAJESH VIJAYAN

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 26-06-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Mn

B.SUDHEENDRA KUMAR, J.

Bail Application No.1913 of 2015

Dated this the 26th day of June 2015

O R D E R

The petitioners are accused Nos.1, 2 and 4 respectively in Crime No.93 of 2015 of Vandanmedu police station registered under Sections 452, 354, 324, 323, 294 (b), 341, 506(ii) and 427 read with Section 149 I.P.C.

2. The allegation of the prosecution is that on 11.2.2015 at 6.45 p.m., the petitioners and the other accused trespassed into the house of the *defacto complainant*, uttered abusive words and beat the *defacto complainant* with a coffee stick. The Churidar of the

defacto complainant was torn in the incident. The petitioners have filed this application praying for the relief under Section 438 Cr.P.C.

4. Heard. Perused the Case Diary.

5. The learned Public Prosecutor has no serious objection in allowing the application.

6. It appears that no complaint was filed by the *defacto complainant* before the Police immediately after the incident. However, the *defacto complainant* filed a private complaint before the court after 8 days of the incident. The *defacto complainant* did not sustain any serious injury in the incident. It has been submitted by the learned Public Prosecutor that the petitioners are not involved in any other offence of similar nature. The petitioners are the neighbours of the *defacto complainant*.

Considering the facts and circumstances of the cases, I am of the view that the custodial interrogation of the petitioners is not necessary for the progress of investigation of the case. In the said circumstances, an order under Section 438 Cr.P.C. in favour of the petitioners will be justified in this case.

In the result, this application stands allowed and the respondents are directed to release the petitioners on bail in the event of their arrest in connection with Crime No.93/2015 of Vandanmedu police station, on condition of each of the petitioners executing a bond for Rs.30,000/- (Rupees thirty thousand only) each with two solvent sureties each, each for the like sum to the satisfaction of the Station House Officer, Vandamedu Police Station, before whom the petitioners shall surrender within ten days and

subject to the following further conditions:-

(i) The petitioners shall report before the Investigating Officer on every Monday between 9 a.m. and 11 a.m. for three months and thereafter, as and when required by the Investigating Officer for interrogation.

(ii) The petitioners shall not intimidate or influence the witnesses or in any way tamper with the investigation.

(iii) The petitioners shall not get involved in any offence during the pendency of this case.

**B.SUDHEENDRA KUMAR,
JUDGE**

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