

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

WEDNESDAY, THE 20TH DAY OF MAY 2015/30TH VAISAKHA, 1937

Bail Appl..No. 2018 of 2015 ()

CRIME NO. 164/2015 OF NILESHWAR POLICE STATION, KASARGOD DISTRICT

PETITIONERS/ACCUSED NO 2 & 3 :

- 1. FATHIMABI A., AGED 60 YEARS
W/O.LATE C.M. ABDUL RAHIMAN, PERAL, NEAR F.C.I
NILESHWAR POST, PERAL VILLAGE. HOSDURG TALUK
KASARGOD DISTRICT.**
- 2. NADIRA A., AGED 37 YEARS
W/O.AMRITRAJ, PERAL, NEAR F.C.I
NELESHWAR POST, PERAL VILLAGE,
HOSDURG TALUK, KASARGOD DISTRICT.**

BY ADV. SMT.REENA ABRAHAM

RESPONDENT/COMPLAINANT :

- 1. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF EKRALA, ERNAKULAM - 682 031**
- 2. STATION HOUSE OFFICER,
NILESHWAR POLICE STATION,
KASARGOD DISTRICT- 671 314.**

***ADDL. R3 IMPEADED**

***ADDL.R3. NASIYA,
D/O. ABDULLA, AGED 31 YEARS
NAZEERA MANZIL, KOOLYANKAL
KANJANGADU, KASARGODE.**

***ADDL. R3 IS IMPEADED AS PER ORDER DATED 28/4/15 IN CRL.M.A.
NO. 3971/15 IN BA NO. 2018/15.**

**R1 & R2 BY PUBLIC PROSECUTOR SRI. V.S. SREEJITH
ADDL. R3 BY ADVS. SRI.K.R.AVINASH (KUNNATH)
SRI.ABDUL RAOOF PALLIPATH**

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 20-05-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Mn

K.ABRAHAM MATHEW, J

Bail Appln.No.2018 of 2015

Dated this the 20th day of May, 2015

ORDER

Petition filed under Section 438 Cr.P.C.

2. Petitioners are accused Nos. 2 & 3 in Crime No.164/15 of the Nileshtar Police Station registered for the offences under Sections 323, 326, 468(A), 342, 506(1), 307 read with Section 34 of IPC.

3. The first accused is the husband of the victim and the petitioners are his mother and sister. The allegation is that the accused attempted to commit the victim's murder and in the process they assaulted her causing fracture of her bone.

4. Heard.

5. A perusal of the First Information Statement shows that there is no specific allegation that the petitioners committed any offence. It is a wonder that the police made these petitioners accused in the case. They are entitled to anticipatory bail.

In the result, this application is allowed.

1) The petitioners shall be released on bail on their executing a bond for Rs.25,000/- (Rupees Twenty Five Thousand only) each with two solvent sureties each for the like sum if they

are arrested by the Police in connection with this case.

2) They shall appear before the Investigating Officer for interrogation if they are so required by him in writing.

3) They shall not destroy or tamper with evidence.

In case of violation of any of the above conditions, the learned Magistrate is empowered to cancel the bail in accordance with the law.

Sd/-
K.ABRAHAM MATHEW
JUDGE

rkj

//TRUE COPY//

P.A. TO JUDGE