

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE BABU MATHEW P.JOSEPH

TUESDAY, THE 21ST DAY OF APRIL 2015/1ST VAISAKHA, 1937

Bail Appl..No. 2069 of 2015 ()

CRIME NO. 37/2015 OF MARAYAMUTTAM POLICE STATION , THIRUVANANTHAPURAM

PETITIONER(S):

1. **MUKESH, AGED 25 YEARS
PAVITRA NIVAS, KAKKANAM
MARAYAMUTTOM PO, THIRUVANANTHAPURAM**
2. **PATMAJA, AGED 44 YEARS,
PAVITRA NIVAS, KAKKANAM,
MARAYAMUTTAM PO, THIRUVANANTHAPURAM**

**BY ADVS.SMT.NIMA JACOB
SRI.M.J.VINOD**

RESPONDENT(S):

**STATE OF KERALA, REPRESENTED BY
THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, 682 031**

R BY PUBLIC PROSECUTOR, SMT. SHEEBA M.T.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
21-04-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

das

BABU MATHEW P. JOSEPH, J.

B.A. No. 2069 of 2015

Dated this the 21st day of April, 2015

ORDER

This petition is filed under section 438 of Cr.P.C. for anticipatory bail.

2. Heard the learned counsel appearing for the petitioners and the learned public prosecutor appearing for the respondent. C.D. produced.

3. The petitioners are accused in crime No. 37 of 2015 of Marayamuttom Police Station. The offences alleged are under Sections 341, 294(b), 323, 324, 354, 506(ii) and 308 read with Section 34 of the Indian Penal Code. Learned counsel for the petitioners submits that the second petitioner is the mother of the first petitioner. They are innocent of the allegations raised against them. The petitioners have no criminal antecedents except a case registered against the first petitioner based on a frivolous

complaint submitted by the de facto complainant. In fact, the de facto complainant and her son attacked the petitioners causing injuries to them. The copies of the medical documents produced substantiate such a fact. The de facto complainant has not sustained any serious injury. The investigation of the case is almost over. She further submits that the petitioners apprehend arrest by the police at any time.

4. The Case Diary shows that the investigation of the case has progressed much. No criminal antecedents have been reported against the second petitioner. The medical document available in the Case Diary does not show that the de facto complainant has sustained any serious injury. In view of all these facts, this Court is of the view that the petitioners can be granted anticipatory bail imposing appropriate conditions. Therefore, the petitioners are granted anticipatory bail subject to the following conditions:

- 1) The petitioners shall surrender before the Investigating Officer on or before 28-04-2015 . In the event of their arrest, they shall be released on bail on their executing bonds for Rs.25,000/- (Rupees twenty five thousand only) each with two solvent sureties each for the like sum to the satisfaction of the Investigating Officer.
- 2) The petitioners shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him or her from disclosing such facts to the Court or to any Police Officer.
- 3) The petitioners shall make themselves available for interrogation as and when required by the Investigating Officer.
- 4) The petitioners shall not influence or intimidate the prosecution witnesses nor shall they attempt to tamper with the evidence for the prosecution.
- 5) The petitioners shall not commit any similar offence while on bail.

- 6) The petitioners shall not leave India without the previous permission of the concerned Magistrate's Court.

This application is allowed as above.

Sd/-
BABU MATHEW P. JOSEPH,
JUDGE

//True Copy//

P.A. to Judge