

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

TUESDAY, THE 26TH DAY OF MAY 2015/5TH JYAISHTA, 1937

Bail Appl..No. 2072 of 2015

CRIME NO. 135/2015 OF VELLATHOOVAL POLICE STATION, IDUKKI.
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PETITIONER(S)/ACCUSED 2-8:

1. SINOJ, AGED 34 YEARS,
S/O.DAMODRAN, KALLUVELIL HOUSE,
KUNCHITHANNI POST AND VILLAGE,
IDUKKI DISTRICT.
2. KOMALAVALLY, AGED 64 YEARS,
W/O.DAMODARAN, KALLUVELIL HOUSE,
KUNCHITHANNI POST AND VILLAGE,
IDUKKI DISTRICT.
3. SINDHU, AGED 38 YEARS,D/O.DAMODRAN,
2/VII/30A4, ADIPARASAKTHI KOVIL STREET,
PATTIVEERAMPATTY P.O., DINDUKKAL DT.,
TAMILNADU.
4. SUJATHA, AGED 44 YEARS,
W/O.SUNIL, PALLATH HOUSE, VYTTLA P.O.,
THYKKOODAM, ERNAKULAM DISTRICT.
5. RAJAN, AGED 42 YEARS,
S/O.UNNIKRISHNAN, VALUPARAYIL HOUSE,
N.R.CITY POST AND VILLAGE, IDUKKI DISTRICT.
6. JANAKI, AGED 70 YEARS,
W/O.RAGHAVAN, MANNOOR HOIUSE,
RAJAKKAD POST AND VILLAGE, IDUKKI DISTRICT.

BY ADV. SRI.S.JIJI

RESPONDENT(S)/STATE:

**STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**

BY PUBLIC PROSECUTOR SRI. V.S.SREEJITH

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 26-05-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

mbr/

K. ABRAHAM MATHEW, J.

B.A. No.2072 of 2015

Dated this the 26th day of May, 2015

ORDER

Petition filed under Section 438 Cr.P.C.

2. Petitioners are described as accused 2 to 8 in Crime No.135/2015 of Vellathooval police station registered for the offence under Sections 143, 144, 147, 148, 294(b), 324, 427, 452 and 508(ii) read with Section 149 of Indian Penal Code.

3. It is now revealed that the petitioners 3 and 4 are not involved in the incident. The other petitioners are accused Nos.3, 4, 5 and 6. It is alleged that the first accused used a crobar to assault the victim. The petitioners assaulted the victim's wife and the fifth petitioner Rajan committed mischief. The learned counsel submits that first accused and her daughter Sindhu who is shown as the third petitioner in the bail application have obtained a decree for recovery of possession against the victims and this is a false case registered on account of that enmity.

4. Heard.

5. There is no allegation that any of the petitioners used any weapon. Only the first accused who is not a party to this petition allegedly used a weapon. Having regard to these facts, I am inclined to grant anticipatory bail to the petitioners 1, 2, 5 and 6. The petition is dismissed as against petitioners 3 and 4.

In the result, this application is allowed in part.

1) The petitioners Nos.1, 2, 5 and 6 shall be released on bail after interrogation on their executing a bond for Rs.Twentyfive thousand each with two solvent sureties each for the like sum if 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