

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. 2791 of 2015

CRIME NO. 629/2015 OF MANJERI POLICE STATION , MALAPPURAM DISTRICT

PETITIONER(S)/ACCUSED :

1. M.C.SUFFIYAN, AGED 21 YEARS,
S/O.UNNI MUHAMMED, SCHOOL PARAMBIL HOUSE,
PULPATTAM AMSOM, OLAMATHIL DESOM, MALAPPURAM DISTRICT.
2. SIYAD, AGED 20 YEARS,
S/O.ABOOBACKER, MADATHIL HOUSE, PULPATTAM AMSOM,
OLAMATHIL DESOM, MALAPPURAM DISTRICT.

BY ADVS.SRI.K.RAKESH
SRI.CHERIAN MATHEW POOTHICOTE

RESPONDENT(S):

1. THE STATE OF KERALA, REPRESENTED BY
THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM-, KOCHI- 682 031.
2. THE SUB INSPECTOR OF POLICE,
MANJERI POLICE STATION,
MALAPPURAM DISTRICT, PIN- 676 121.

BY PUBLIC PROSECUTOR SMT.R.REMA

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

Msd.

K. ABRAHAM MATHEW, J.

Bail Appl. No.2791 of 2015

Dated this the 26th day of May 2015

O R D E R

Petition filed under Section 438 Cr.P.C.

2. Petitioners are alleged to have committed the offences under Secs.324, 354 and 448 read with Sec.34 of Indian Penal Code. The allegation is that the petitioners along with the co-accused trespassed into the house of the 1st informant, assaulted and outraged her modesty at 6.15 a.m. in the morning on 04.04.2015.

3. Heard both sides.

4. Learned counsel for the petitioners submits that in the First Information Statement, there is no allegation that any of the petitioners committed any offence and the version given in the subsequent statement recorded under Sec.161 Cr.P.C. is not at all believable.

5. I have perused the First Information Statement. There is no allegation that any of the petitioners did any act. The only allegation is against the 1st accused, Unni Muhammed. These facts compel me to

take the view that the petitioners are entitled to get anticipatory bail.

In the result, this bail application is allowed:

1) The petitioners shall be released on bail after interrogation on their executing a bond for ₹25,000/- (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.

4) They shall not harass the defacto complainant or her relatives.

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