

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

FRIDAY, THE 10TH DAY OF JULY 2015/19TH ASHADHA, 1937

Bail Appl.No. 2990 of 2015

CRIME NO. 309/2015 OF ERUMAPETTY POLICE STATION, TRISSUR

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PETITIONER(S)/ACCUSED 1 TO 3:

1. MANOJ, AGED 40 YEARS,
S/O.KUTTAN NAIR, THATHIRIYATTU HOUSE,
NELLUVAI VILLAGE & DESOM, THALAPPILLY TALUK,
THRISSUR DISTRICT.
2. VINAYAN, AGED 50 YEARS,
S/O.ACHUTHAN NAIR, THATHIRIYATTU HOUSE,
NELLUVAI VILLAGE & DESOM, THALAPPILLY TALUK,
THRISSUR DISTRICT.
3. SREENATH, AGED 20 YEARS,
S/O.VINAYAN, THATHIRIYATTU HOUSE,
NELLUVAI VILLAGE & DESOM, THALAPPILLY TALUK,
THRISSUR DISTRICT.

BY ADV. SRI.RAJIT

RESPONDENT(S):

**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
10-07-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

msv/

K. ABRAHAM MATHEW, J.

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B.A.No. 2990 of 2015

Dated this the 10th day of July, 2015

O R D E R

Petition filed under Section 438 Cr.P.C.

2. Petitioners are accusing of having committed the offences under Sections 447, 341, 323, 326, 354 read with Section 34 IPC. The prosecution case is that the first informant's wife owed certain amount to the sister of the first accused, on account of that enmity the petitioners trespassed into her house at 10.00 in the night and wrongfully restrained the first informant and assaulted him with a stone and outraged the modesty of his wife.

3. Heard.

4. It was the first petitioner who assaulted the victim with stone. The other petitioners were not armed or did not use any weapon. So, their custodial interrogation is not necessary. But so far as the first petitioner is concerned, the weapon has to be recovered. He cannot be granted anticipatory bail.

In the result, this application is allowed in part.

1)Petitioners 2 and 3 will 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 surrender their passports before the lower court concerned or if they do not have one, they shall file affidavits to that effect within five days of their release.*
- 3) They shall not leave India without the previous permission of the court of enquiry or trial court, as the case may be.*
- 4) They shall appear before the Investigating Officer between 10 a.m. and 11 a.m. every Wednesday for three months or till the final report is filed, whichever is earlier.*
- 5) They shall not intimidate or attempt to influence the witnesses.*
- 6) They shall not destroy or tamper with evidence.*
- 7) They shall not get themselves involved in any other criminal case while they are on bail.*

If the petitioners surrender before the Magistrate, this order is not applicable and the learned Magistrate may pass appropriate orders.

In case of violation of any of the above conditions, the learned Magistrate is empowered to cancel the bail in accordance with the law. The application is dismissed so far as the first petitioner is concerned.

Sd/-
K. ABRAHAM MATHEW,
JUDGE

DST

//True copy//

P.A. To Judge