

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE RAJA VIJAYARAGHAVAN V

WEDNESDAY, THE 17TH DAY OF JUNE 2015/27TH JYAISHTA, 1937

Bail Appl..No. 3176 of 2015

CRIME NO. 578/2015 OF THIRUVALLA POLICE STATION, PATHANAMTHITTA DISTRICT.
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PETITIONER(S)/ACCUSED NO.2 AND 3:

- 1. BIJU @ BIJU KRISHNAN, AGED 30,
S/O.KRISHNANKUTTY, PUTHENPURAYIL HOUSE,
KUTTOOR P.O., THIRUVALLA TALUK,
PATHANAMTHITTA DISTRICT.**
- 2. AJI @ AJITH KRISHNAN, AGED 27,
S/O.KRISHNANKUTTY, PUTHENPURAYIL HOUSE,
KUTTOOR P.O., THIRUVALLA TALUK,
PATHANAMTHITTA DISTRICT.**

**BY ADVS.SRI.N.P.PRAJEESH
SRI.BIJO THOMAS GEORGE**

RESPONDENT/COMPLAINANT:

**STATE OF KERALA, REPRESENTED BY
THE SUB INSPECTOR OF POLICE,
THIRUVALLA POLICE STATION,
PATHANAMTHITTA DISTRICT,
BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**

BY PUBLIC PROSECUTOR SMT.MADHUBEN

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 17-06-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

mbr/

RAJA VIJAYARAGHAVAN V, J.

B.A.No.3176 of 2015

Dated this the 17th day of June, 2015

O R D E R

The petitioners are the accused Nos.2 and 3 in Crime No.578/2015 of Thiruvalla Police Station. The said crime is registered against the petitioners under Sections 341, 294(b), 323, 354 and 354(A) read with Section 34 of Indian Penal Code.

2. The gist of the allegation against the petitioners is that, at about 7.45 p.m on 29.03.2015, the petitioners and two others who have been arrayed as accused Nos.1 and 4 illegally restrained the de facto complainant and attacked him since he refused to provide them with money for the purpose of purchasing liquor. It is further alleged that the 4th accused pushed down the wife of the defacto complainant and thus, outraged her modesty.

3. I have heard the learned counsel for the petitioner as well as the learned Public Prosecutor.

4. The learned counsel for the petitioner would submit

that the allegations as regards the commission of offence under Section 354 of the Indian Penal Code is only as against A4. As against the petitioners, herein, the only allegation is that they pushed the de facto complainant and as a result he had fallen down. The learned counsel further submitted that the allegations are false and in the facts and circumstances of this case, the custodial interrogation of the petitioners is not warranted.

5. Taking into consideration the fact that the main overt acts are against the 1st and 4th accused and taking note of the fact that, no severe injuries are caused to the de facto complainant or his wife, I am inclined to allow this petition subject to the following conditions:

1. The petitioners will be released on bail, in the event of arrest, on their executing a bond for Rs.50,000/- each (Fifty Thousand only) with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate concerned.

2. They shall surrender their passport before the learned Magistrate and in case they are not holding any passport, they shall file an affidavit stating so, within five days of their release.

3. They shall not leave India without the

previous permission of the jurisdictional court.

4. The petitioners shall cooperate with the investigation and shall appear before the investigating officer between 10 a.m and 11 a.m on every Wednesday for 3 months, or till the final report is filed, whichever is earlier.

5. They shall not threaten or attempt to influence the witnesses and shall not get involved in any criminal case while on bail.

6. They shall in no event tamper or attempt to tamper with the evidence nor shall they hamper the investigation.

Violation of any of the above conditions will entitle the jurisdictional Court to cancel the bail in accordance with the law.

In the result, this application is allowed.

In the result, this application is allowed.

Sd/-

RAJA VIJAYARAGHAVAN V, JUDGE.

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[True copy]

P.A to Judge