

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

WEDNESDAY, THE 24TH DAY OF JUNE 2015/3RD ASHADHA, 1937

Bail Appl..No. 3380 of 2015

CRIME NO. 1170/2015 OF KOTTARAKKARA POLICE STATION , KOLLAM

PETITIONER(S)/ACCUSED 1 & 2:

- 1. SREE KUMAR, AGED 35 YEARS,
S/O.LATE N.SIVANANDAN, SREELAKAM, KOTTATHALA P.O.
KOTTARAKKARA.**
- 2. S.SATHYASEELAN, AGED 44 YEARS,
S/O.SIVARAMAN, ANITHA BHAVAN, KOTTATHALA P.O.
KOTTARAKKARA.**

**BY ADVS.SRI.BLAZE K.JOSE
SRI.M.RAJESH**

RESPONDENT(S)/COMPLAINANT:

- 1. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM, PIN 682031.**
- 2. SUB INSPECTOR OF POLICE,
KOTTARAKKARA POLICE STATION, PIN 691115.**

BY PUBLIC PROSECUTOR SRI.V.S.SREEJITH

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 24-06-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

PJ

K. ABRAHAM MATHEW, J.

B.A. No.3380 of 2015

Dated this the 24th day of June 2015

ORDER

Petition filed under Sec.438 Cr.P.C.

2. Petitioners are accused nos.1 and 2 in Crime No.1170 of 2015 of Kottarakara Police station registered for the offences under Secs.294(b), 323, 353 and 354 read with Sec.34 of Indian Penal Code. The prosecution case is that at night the petitioners took a lady to the Taluk Headquarters hospital, Kottarakkara for treatment. Some untoward incident happened there. The petitioners assaulted a member of the staff of the hospital, outraged the modesty of the lady doctor there and prevented her from discharging her duties.

3. Heard both sides.

4. If the prosecution case is believable, the Police reached the place of occurrence immediately after the occurrence. But the case was registered only by noon, the next day. The inordinate delay has not been explained. It appears that there are some suspicious

circumstances in the prosecution case. Having regard to the facts of the case, I am inclined to grant the prayer of the petitioners.

In the result, the bail application is allowed.

- 1) The petitioners shall be released on bail after interrogation on his 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 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 intimidate or attempt to influence the witnesses.
- 5) They shall not get themselves involved in any other criminal case.

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

/ True Copy /

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P.A. To Judge