

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

MONDAY, THE 29TH DAY OF JUNE 2015/8TH ASHADHA, 1937

Bail Appl..No. 3593 of 2015 ()

CRIME NO. 713/2015 OF EZHUKONE POLICE STATION,KOLLAM DISTRICT

PETITIONER(S):

1. R.GOPU KRISHNAN,AGED 42 YEARS,
S/O. RADHAKRISHNA PILLAI, GOPUSADANAM,
KAKKAKOTTOOR MURI, EZHUKONE VILLAGE, KOLLAM.
2. P.A. ABRAHAM,AGED 54 YEARS,
S/O. ABRAHAM, SARANAM, NEDUSACHIKKULAM MURI,
EZHUKONE VILLAGE, KOLLAM.

BY ADV. SRI.M.K.CHANDRA MOHANDAS

RESPONDENT(S)/COMPLAINANT & STATE :

1. SUB INSPECTOR OF POLICE,
EZHUKONE POLICE STATION, KOLLAM - 691 573.
2. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM - 682 031.

BY PUBLIC PROSECUTOR SMT. R.REMA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 29-06-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

sts

K.ABRAHAM MATHEW, J

B.A.No.3593 OF 2015

Dated this the 29th day of June, 2015

O R D E R

Petition filed under Section 438 Cr.P.C.

2. Petitioners are alleged to have committed the offence under Sections 294(b), 323, 324, 341, 354 and 427 of Indian Penal Code and Section 23 of the Juvenile Justice Act.

3. The prosecution case is that they uttered obscene words, wrongfully restrained and assaulted the victim and outraged the modesty of his wife and committed mischief. They also allegedly assaulted a child.

4. Heard.

5. The learned counsel submits that there was a collision between two motor cycles and the victim sustained injuries in the accident and this is a false case got registered because of the dispute between the parties concerned over the accident. It is very doubtful whether Section 23 of the Juvenile Justice Act is attracted. It appears essentially an assault case. Merely because one

of the victims happened to be a child Section 354 IPC will not be attracted. This is a matter to be ascertained during the investigation. Having regard to the nature of the allegations I am inclined to grant the prayer of the petitioners.

In the result, this application is allowed.

1. The petitioners will be released on bail after interrogation on their executing a bond for Rs.25,000/- (Rupees Twenty five thousand only) each with two solvent sureties for the like sum each 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 get themselves involved in any other criminal case while they are on bail.

4. They shall not intimidate or attempt to influence the witnesses.

5. 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 law.

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

sd/-
K. ABRAHAM MATHEW
JUDGE

R.AV

//True Copy//

PA to Judge