

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE SUNIL THOMAS

THURSDAY, THE 9TH DAY OF JULY 2015/18TH ASHADHA, 1937

Bail Appl.No. 3672 of 2015

CRIME NO. 256/2015 OF ALAKODE POLICE STATION, KANNUR

PETITIONER(S)/ACCUSED:

1. PALANGATTU SUGATHAN, AGED 54 YEARS,
S/O.KRISHNAN NAIR, PERUMBRAL HOUSE,
CHITTADY THIMRI VILLAGE, TALIPARAMBA TALUK, KANNUR.
2. SUDHEESH, AGED 26 YEARS,
S/O.DROUPATHI, MAVILA THAZHEKALLIDA HOUSE,
CHITTADY THIMRI VILLAGE, TALIPARAMBA TALUK, KANNUR.
3. UNNI @ RANJITH, AGED 23 YEARS,
S/O.MOHANAN, THEKKEDATH HOUSE, CHITTADY THIMRI VILLAGE,
TALIPARAMBA TALUK, KANNUR.
4. NIDHIN, AGED 25 YEARS,
S/O.DAMODARAN, KOYILERIYAN HOUSE,
CHITTADY THIMRI VILLAGE, TALIPARAMBA TALUK, KANNUR.

**BY ADVS.SRI.SUNIL NAIR PALAKKAT
SRI.K.N.ABHILASH**

RESPONDENT(S)/STATE:

1. THE STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM - 682 031.
2. THE STATION HOUSE OFFICER,
ALAKODE POLICE STATION, KANNUR DISTRICT, PIN - 670 141.

BY PUBLIC PROSECUTOR SMT.MADHUBEN M.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
09-07-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

msv/

SUNIL THOMAS, J.

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B.A.No.3672 of 2015

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Dated this the 9th day of July, 2015

ORDER

Applicants are the accused in Crime No.256 of 2015 of the Alakode Police Station for offences punishable under Sections 143, 147, 447, 294(b), 341, 323, 354 r/w 149 of the Indian Penal Code.

2. The allegation of the prosecution is that on 30.03.2015 at about 7 p.m., applicants formed into unlawful assembly, trespassed into the house of the de facto complainant, abused her husband and thereafter, kicked and fisted her. It is alleged that in the course of the above acts, accused pulled her nighty which got torn. On the basis of the complaint laid by her, a crime was registered and police is investigating. The applicants apprehend arrest and custodial torture. Hence, they have preferred this application.

3. Heard both sides and examined the records.

4. The allegation against the accused is essentially a fact to be proved through the oral testimony of the eye witnesses. The act which allegedly constituted under Section 354 is that the applicants pulled her nighty, after fisting her down. What transpired in the mind of the accused and whether, they had an intention to outrage the modesty of that lady is a fact to be

determined from the attending circumstances. It is also pertinent to note that which subsection of Section 354 is attracted in this case is also not revealed by the prosecution. Considering these facts, I feel that custodial interrogation of the applicants may not be warranted in this case. No further recovery is also to be made. Hence, I am inclined to grant pre-arrest bail to the applicants subject to the following conditions:

(i) Applicants shall appear before the Investigating Officer on 16.07.2015 between 9 a.m. and 10 a.m.. Applicants shall offer themselves for interrogation. After interrogation, if the Investigating Officer proposes to arrest them, each of the applicant shall be released on bail on each executing a bond for a sum of Rs.30,000/- (Rupees thirty thousand only) with two sureties each for the like sum each.

(ii) Applicants shall not interfere in the process of investigation, threaten, coerce or intimidate the de facto complainant and shall co-operate with the investigation.

Sd/-

SUNIL THOMAS
Judge

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