

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

MONDAY, THE 6TH DAY OF JULY 2015/15TH ASHADHA, 1937

Bail Appl..No. 3838 of 2015

CRIME NO. 791/2015 OF VATTIYOORKAVU POLICE STATION.

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PETITIONER(S)/ACCUSED (A1&A2):

1. JACOB, AGED 45 YEARS,
S/O. SUKUMARAN NADAR,
RESIDING AT AJIN NIVAS,
PUNNAKUZHI, KACHANI P.O, NETTAYAM.
2. JNANA DAS, AGED 43 YEARS,
S/O. SUKUMARAN NADAR,
KIZHAKKEVILAKATHU MELAE PUTHEN VEDDU,
PALAKUZHI KACHANI, NETTAYAM PO.

**BY ADVS.SRI.S.V.PREMAKUMARAN NAIR
SRI.R.T.PRADEEP
SMT.M.BINDUDAS**

RESPONDENT:

**THE STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**

BY PUBLIC PROSECUTOR SRI.DHANESH MATHEW MANJOORAN

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 06-07-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

mbr/

K. ABRAHAM MATHEW, J.

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B.A.No. 3838 of 2015

Dated this the 6th day of July, 2015

O R D E R

Petition filed under Section 438 Cr.P.C.

2. Petitioners are alleged to have committed the offences under Sections 109, 323, 324, 506(ii), 354 and 34 IPC. The prosecution case is that when an order of injunction was enforced at the instigation of the second petitioner, the first petitioner trespassed into the victim's house and attempted to evict the victim and her daughter and when she refused to do so, the petitioners assaulted her and attempted to tear her nightie.

3. Heard.

4. First petitioner is the husband of the victim and the second petitioner is his brother. It appears that there are some family disputes. The allegations are not very serious in nature. Custodial interrogation of the petitioners is not necessary for effective investigation.

In the result, this application is allowed.

1) The petitioners shall 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)The petitioners 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 for interrogation if they are so required by him in writing.*
- 5)They shall not destroy or tamper with evidence.*
- 6)They shall not get themselves involved in any other criminal case while they are on bail.*
- 7)They shall not enter the premises in which the victim is residing.*

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.

Sd/-
K. ABRAHAM MATHEW,
JUDGE

DST

//True copy//

P.A. To Judge