

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

MONDAY, THE 13TH DAY OF JULY 2015/22ND ASHADHA, 1937

Bail Appl..No. 3986 of 2015 ()

CRIME NO. 847/2015 OF PUDUKKAD POLICE STATION, THRISSUR DISTRICT

PETITIONERS/ACCUSED PERSONS :

1. SUNIL, AGED 35,
S/O.SIVARAMAN, KORATTIKKADAN HOUSE,
RANDAMKALLU DESOM, CHENGALLOOR VILLAGE,
MUKUNDAPURAM TALUK, THRISSUR DISTRICT.
2. KOCHUNNY @ SINITH,
AGED 30, S/O.SIVARAMAN,
KORATTIKKADAN HOUSE, RANDAMKALLU DESOM
CHENGALLOOR VILLAGE, MUKUNDAPURAM TALUK
THRISSUR DISTRICT.
3. KUTTAN @ KUTTAMON @ KRISHNAN,
AGED 47, S/O.SIVARAMAN, KORATTIKKADAN HOUSE,
RANDAMKALLU DESOM, CHENGALLOOR VILLAGE,
MUKUNDAPURAM TALUK, THRISSUR DISTRICT.
4. ANTO,
AGED 35, S/O.PAILY, PONTTHOKKAN HOUSE,
CHENGALLOOR VILLAGE, SNEHAPURAM DESOM,
MUKUNDAPURAM TALUK, THRISSUR DISTRICT.

**BY ADVS.SRI.G.SREEKUMAR (CHELUR)
SRI.N.L.BITTO**

STATE OF KERALA/COMPLAINANT :

**THE STATE OF KERALA,
REP. BY THE SUB INSPECTOR OF POLICE
PUDUKKAD POLICE STATION
THROUGH THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA AT ERNAKULAM-682031.**

BY PUBLIC PROSECUTOR SRI. SREEJITH V.S.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 13-07-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

K. ABRAHAM MATHEW, J.

B.A. No.3986 of 2015

Dated this the 13th day of July 2015

O R D E R

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

2. Petitioners are accused in Crime No.847 of 2015 of the Pudukkad Police station registered for the offences under Secs.452, 341, 324, 323, 294(b) and 354 (B) read with Sec.34 of the Indian Penal Code. The prosecution case is that they trespassed into the house of the victim, uttered obscene words, wrongfully restrained her, assaulted her with sticks and outraged her modesty.

3. Heard both sides.

4. Learned counsel submits that the petitioners and the victim are neighbours. It is also submitted that the 1st petitioner also sustained injuries in the incident.

5. These are not grounds to grant his prayer. The certificate issued by the doctor who examined the 1st petitioner shows that even at the time of his examination he was under the influence of alcohol. There is no allegation that the other petitioners used any weapons.

6. Having regard to these facts, I am inclined to grant the prayer of the petitioners 2 to 4 and reject the prayer of the 1st petitioner.

In the result, the bail application is allowed in part.

1) The petitioners 2 to 4 shall 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 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 between 10.00 a.m. and 11.00 a.m. on every Thursday for four months or till the final report is filed, whichever is earlier.

3) They shall not destroy or tamper with evidence.

4) They shall not intimidate or influence the witnesses, nor shall they get themselves involved in any other criminal case.

5) They shall not harass the defacto complainant or her relatives.

6) They shall not enter the victim's properties.

In case of violation of any of the above conditions, the learned Magistrate is empowered to cancel the bail in accordance with the law.

8. If the petitioner surrenders before the Magistrate, this order is not applicable and the learned Magistrate may pass appropriate orders.

The application is dismissed so far as the 1st petitioner is concerned.

Sd/-
K. ABRAHAM MATHEW
JUDGE

/ True Copy /

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P.A. To Judge