

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

WEDNESDAY, THE 22ND DAY OF JULY 2015/31ST ASHADHA, 1937

Bail Appl.No. 4094 of 2015

CRIME NO. 671/2015 OF PATHANAPURAM POLICE STATION, KOLLAM
.....

PETITIONER(S)/ACCUSED:

1. MUHAMMED ILLYAS,
FACEBOOK COMPUTERS AND GREENWAY TRAVELS,
NEAR TOWN BAKERY, SHYNI BUILDING, PATHANAPURAM,
KOLLAM DISTRICT.
2. AJI KUMAR,
NEAR TOWN BAKERY, 4TH FLOOR, SHYNI BUILDING,
PATHANAPURAM, KOLLAM DISTRICT.

**BY ADVS.SRI.R.SURAJ KUMAR
SRI.SUNIL J.CHAKKALACKAL
SMT.V.BEENA
SMT.V.DEEPA**

RESPONDENT(S)/COMPLAINANT/STATE:

1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.
2. THE CIRCLE INSPECTOR OF POLICE,
PATHANAPURAM POLICE STATION, KOLLAM DISTRICT.

BY PUBLIC PROSECUTOR SRI.V.S.SREEJITH

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
22-07-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

msv/

K. ABRAHAM MATHEW, J.

B.A. No.4094 of 2015

Dated this the 22nd day of July, 2015

ORDER

Petition filed under Section 438 Cr.P.C.

2. Petitioners are alleged to have committed the offences under Sections 447, 188, 294(b), 323, 354, 427 and Section 34 of the Indian Penal Code.

3. The first Petitioner is the tenant of a shop room. The first informant is his sub tenant. The prosecution case is that the petitioners trespassed into the shop room uttered obscene words, assaulted her, committed mischief and outraged her modesty.

4. Heard.

5. Admittedly, there are civil dispute between the first Petitioner and the first informant with regard to the right over the shop room. It appears that essentially this is an assault case. Having regard to these facts I am inclined to grant the prayer of the petitioners for anticipatory bail.

In the result, this application is allowed.

1. The petitioners 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 a.m to 11 a.m alternate Thursday for three months or till the final report is filed whichever is earlier.

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.

6. They shall surrender their passport before the lower court concerned or if they do not have one, they shall file an affidavit to that effect within five days of their release.

7. They shall not leave India without the previous permission of the court of enquiry or trial court as the case may be.

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