

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

MONDAY, THE 20TH DAY OF JULY 2015/29TH ASHADHA, 1937

Bail Appl.No. 4199 of 2015

CRIME NO. 459/2015 OF VENMANI POLICE STATION, ALAPPUZHA
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PETITIONER(S)ACCUSED NOS 1 TO 3:

1. **RAJEEV, AGED 27 YEARS,
S/O.RAJAPPAN, PANAMKANDATHIL HOUSE,
VENMANI P.O., VENMANI VILLAGE.**
2. **MUKESH, AGED 23 YEARS,
S/O.MOHANAN, KUTTIMANNIL HOUSE,
VENMANI P.O., VENMANI WEST MURI,
VENMANI VILLAGE.**
3. **SAJAN, AGED 26 YEARS, S/O.GOPALAN,
PANTHIRETHPARAMPIL HOUSE,
VENMANI P.O., VENMANI WEST MURI,
VENMANI VILLAGE.**

BY ADV. SMT.ASHA ELIZABETH MATHEW

RESPONDENT(S)/COMPLAINANT:

**STATE OF KERALA,
REP. BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM - 682 031.**

BY PUBLIC PROSECUTOR SMT.SAREENA GEORGE

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
20-07-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

msv/

K. ABRAHAM MATHEW, J.

B.A. No.4199 of 2015

Dated this the 20th day of July, 2015

ORDER

Petition filed under Section 438 Cr.P.C.

2. Petitioners are said to have committed the offences under Sections 323, 324 and 341 of the Indian Penal Code.

3. The prosecution case is that they wrongfully restrained the victim and assaulted him with a stick. Subsequent the registration of the case the police sent a report to the Magistrate stating that the petitioners attempted to disrobe the wife of the first informant and the offence under Section 354B IPC also is attracted.

4. Heard.

5. In the First Information Statement there is no whisper about the presence of a woman at the place of occurrence and there is no mention about commission of the offence under Section 354B IPC. It appears that the police later recorded a statement of the wife of the first

informant and in it was disclosed that her nighty was tored off this is a very suspicious circumstance. Having regard to this fact 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 every Wednesday for four 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 the 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

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PA to Judge