

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

TUESDAY, THE 28TH DAY OF JULY 2015/6TH SRAVANA, 1937

Bail Appl..No. 4222 of 2015 ()

CRIME NO. 905/2015 OF ARANMULA POLICE STATION , PATHANAMTHITTA DISTRICT

PETITIONER/ACCUSED:-

**KOSHY M.THOMAS, AGED 38 YEARS,
EBENEZER VILLA, KALLUVETTAMKUZHIYIL, MANNIL HOUSE,
NEAR T.B.JUNCTION, KOZHENCHERY, PATHANAMTHITTA.**

**BY ADVS.SRI.K.SHAJ
SRI.SAJJU.S**

RESPONDENT(S)/STATE:-

- 1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682 031**
- 2. SUB INSPECTOR OF POLICE,
ARANMULA POLICE STATION, ARANMULA,
PATHANAMTHITTA-689 645**

BY PUBLIC PROSECUTOR SRI.V.S.SREEJITH

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 28-07-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

sts

K. ABRAHAM MATHEW, J.

B.A. No. 4222 of 2015

Dated this the 28th day of July, 2015

ORDER

Petition filed under Section 438 Cr.P.C.

2. Petitioner is the son of the victim. She filed an application under Section 12 of Protection of Women from Domestic Violence Act. Pending the petition the learned Magistrate passed an order under Section 18 of the Act restraining the petitioner from interfering with the victim's peaceful possession and enjoyment of the property and from assaulting her. It is alleged that the petitioner committed breach of the order and assaulted the victim and committed mischief and threatened her and thus committed the offences under Sections 294(b), 323, 427 and 506 (1) of the Indian penal Code and Section 31 of the Protection of Women from Domestic Violence Act

3. Heard.

4. The order passed by the learned Magistrate was on 06.06.2015. The date of occurrence in this case is said to be 03.06.2015. The first information was given on 11.06.2015. If these allegations are true Section 31 of the

Protection of Women from Domestic Violence Act is not attracted. Having regard to all these facts I am inclined to grant the prayer of the petitioner.

In the result, this application is allowed.

1. The petitioner shall be released on bail after interrogation on his executing a bond for Rs.50,000/- (Rupees Fifty thousand only) with two solvent sureties each for the like sum if he is arrested by the police in connection with this case.

2. He shall appear before the investigating officer between 10 a.m to 11 a.m on every Friday for six months or till the final report is filed whichever is earlier.

3. He shall not enter the property in which the victim is residing till the conclusion of the investigation and if the final report is filed against him till the conclusion of the trial nor shall he harass her.

4. He shall not get himself involved in any other criminal case while he is on bail.

5. He shall not intimidate or attempt to influence the witnesses.

6. He shall not destroy or tamper with the

evidence.

7. He shall surrender his passport before the lower court concerned of if he does not have one, he shall file an affidavit to that effect within five days of his release.

8. He 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 petitioner surrenders 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