

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

WEDNESDAY, THE 16TH DAY OF DECEMBER 2015/25TH AGRAHAYANA, 1937

Bail Appl..No. 5039 of 2015 ()

CRIME NO. 301/2015 OF VANDIPERIYAR POLICE STATION, IDUKKI DISTRICT

PETITIONERS/ACCUSED 1 TO 3 :

1. **AYYAPPAN**
S/O.VELUSWAMY, AGED 47 YEARS
CHANDRAVANAM ESTATE, VANDIPERIYAR
MANJUMALA P.O., KEERIKKARA, IDUKKI.
2. **MADASWAMY, AGED 42 YEARS**
S/O.VELUSWAMY, CHANDRAVANAM ESTATE, VANDIPERIYAR
MANJUMALA P.O., KEERIKKARA, IDUKKI – 685 602.
3. **MUTHUKUMAR, AGED 35 YEARS**
S/O.VELUSWAMY, CHANDRAVANAM ESTATE, VANDIPERIYAR
MANJUMALA P.O., KEERIKKARA, IDUKKI.

BY ADVS.SRI.M.H.HANIL KUMAR
SRI.M.R.DHANIL
SMT.M.R.JAYALATHA
SMT.P.SREESHA

RESPONDENTS/COMPLAINANT/STATE :

1. **SUB INSPECTOR OF POLICE**
VANDIPERIYAR POLICE STATION,
IDUKKI DISTRICT- 685 602.
2. **STATE OF KERALA**
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM,
COCHIN - 682 031.

R1 & R2 BY PUBLIC PROSECUTOR SMT. LALIZA T.Y.

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 16-12-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Mn

A.HARIPRASAD, J.

B.A.No.5039 of 2015

Dated this the 16th day of December, 2015

O R D E R

Application filed under Section 438 of the Code of Criminal Procedure.

2. Petitioners are accused Nos.1 to 3 in Crime No.301 of 2015 of the Vandiperiyar Police Station registered for the offences punishable under Sections 323, 324, 354, 354A & 354B of the Indian Penal Code and also under Section 4 of the Protection of Children from Sexual Offence Act, 2012.

3. Heard both sides.

4. Learned counsel for the petitioners submitted that the petitioners are falsely implicated in the case.

5. Learned Public Prosecutor opposed the bail application.

6. Annexures-A1 and A2 are produced by the petitioners to show that wife of the petitioner had filed a

false complaint against husband and her brothers. After investigation, all the major offences were deleted. Learned Public Prosecutor produced the case diary in this case as well as in the other case. On perusal of the materials in the case diary, I find serious allegations against petitioners. *Prima facie*, the materials are against the contentions of the petitioners. Therefore, I am not inclined to grant pre-arrest bail to the petitioners.

The petitioners shall surrender before the Investigating Officer within a period of 'two weeks' from today and submit themselves for interrogation. The Investigating Officer shall produce them before the learned Magistrate having jurisdiction on the date of surrender itself. Thereafter, the petitioners are free to move for bail before the learned Magistrate and in that event, the learned Magistrate may consider the application

on merits.

If petitioners do not surrender as above, the
Investigating officer shall arrest them

Sd/-
A.HARIPRASAD, JUDGE.

AS

/True Copy/

P.A. To Judge