

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

WEDNESDAY, THE 2ND DAY OF SEPTEMBER 2015/11TH BHADRA, 1937

Bail Appl..No. 5045 of 2015

**CRIME NO. 609/2015 OF VENJARAMOODU POLICE STATION,
THIRUVANANTHAPURAM.**
.....

PETITIONER/1ST ACCUSED:

**SHIBU, AGED 34 YEARS,
S/O.BHASKARAN NADAR,
RESIDING AT NEDIYAVILA VEEDU,
MANGODU, MANGODU (PO), CHITHARA,
KADAKKAL, KOLLAM.**

BY ADV. SRI.V.RENJITH KUMAR

RESPONDENT(S)/COMPLAINANT:

- 1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**
- 2. SUB INSPECTOR OF POLICE,
VENJARUMMOODU POLICE STATION,
TRIVANDRUM DISTRICT - 695 606.**

BY PUBLIC PROSECUTOR SMT.LALIZA.T.Y.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 02-09-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

mbr/

A. HARIPRASAD, J.

Bail Appl. No.5045 of 2015

Dated this the 2nd day of September 2015

ORDER

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

2. Petitioner is the 1st accused in Crime No.609 of 2015 of Venjarumoodu Police station registered for offences punishable under Secs.143, 147 148, 294(b), 324, 354 and 452 read with Sec.149 of the Indian Penal Code. The prosecution case in brief is that, on 31.05.2015 at 4.30 p.m., the petitioner along with the co-accused, identifiable by sight, trespassed into the dwelling house of the defacto complainant and attacked her husband on account of a property dispute. In that process, the defacto complainant also sustained injury and her modesty was outraged.

2. Heard both sides.

3. Learned counsel for the petitioner submitted that this is a false case foisted on the petitioner on account of enmity for filing Annexure-1 complaint against the defacto complainant and her husband before the Women's Commission.

4. Learned Public Prosecutor submits that the

investigation revealed the damages caused by the accused to the house and the movable properties therein. That apart, the identity of other accused could be revealed only on questioning the petitioner.

5. Considering the entire matters, I am of the view that the petitioner is not entitled to get an order of bail under Sec.438 Cr.P.C. Accordingly, this bail application is disposed with the following directions:

The petitioner shall surrender before the investigating officer and submit himself for interrogation within a period of fifteen days. In that event, the investigating officer, after questioning the petitioner, produce him before the learned Magistrate having jurisdiction on the date of surrender itself. If that be so, the petitioner can move for bail before the learned Magistrate. The learned Magistrate shall expeditiously dispose of the bail application on merits, if possible on the date of surrender itself.

Sd/-
A. HARIPRASAD
JUDGE