

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

THURSDAY, THE 3RD DAY OF SEPTEMBER 2015/12TH BHADRA, 1937

Bail Appl..No. 5165 of 2015 ()

**CRIME NO. 1199/2015 OF PANDALAM POLICE STATION,
PATHANAMTHITTA DISTRICT**

PETITIONERS/ACCUSED 1 & 2 :

- 1. DILEEP, AGED 24 YEARS,
S/O.JOY, "PADIJAREPOOKAITHA", PANDALAM,
PATHANAMTHITTA DISTRICT**
- 2. SANJU, AGED 22 YEARS,
S/O.BABU, MULLANVATHUKKARA KIZHAKKEPTHEEN VEEDU
ELAVUMTHITTA, MEZHUVELI, PATHANAMTHITTA DISTRICT**

BY ADV. SRI.K.N.RADHAKRISHNAN(THIRUVALLA)

RESPONDENTS/STATE/COMPLAINANT :

- 1. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM**
- 2. SUB INSPECTOR OF POLICE
PANDALAM POLICE STATION, PATHANAMTHITTA DISTRICT**

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

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 03-09-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

bp

A.HARIPRASAD, J.

B.A. No.5165 of 2015

Dated this the 3rd day of September, 2015

ORDER

Petition under Section 438 of the Code of Criminal Procedure.

2. Petitioners are accused 1 and 2 in Crime No.1199 of 2015 of Pandalam Police Station. Offences alleged against them are punishable under Sections 294(b), 323 and 354 read with Section 34 of the Indian Penal Code. Prosecution case is that on 23.07.2015 at about 7 p.m., while the defacto complainant was riding a scooter along with her daughter, she slowed down the vehicle on finding a gutter. Then the petitioners, who were proceeding in the same direction on another two wheeler behind her, stopped the vehicle, abused and physically assaulted her.

3. Heard the learned counsel for the petitioners and the learned Public Prosecutor.

4. Learned counsel for the petitioners submitted that the defacto complainant was not riding the vehicle at the relevant time and actually it was ridden by her husband. But, the materials in the case diary prima facie show that the petitioners have committed the offences

Considering the nature of allegations, I am not inclined to grant anticipatory bail to the petitioners. They shall surrender before the

investigating officer within a period of two weeks and submit themselves for interrogation. Thereafter, on the same day the investigating officer shall produce them before the Magistrate having jurisdiction. If that be so, the petitioners can move for regular bail. In that event, the learned Magistrate shall consider the bail applications as expeditiously as possible, if possible on the date of surrender itself.

Petition is disposed of.

A. HARIPRASAD, JUDGE.

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