

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

**THE HONOURABLE MR. JUSTICE A.HARIPRASAD**

**MONDAY, THE 7TH DAY OF SEPTEMBER 2015/16TH BHADRA, 1937**

**Bail Appl..No. 5216 of 2015 ()**

**CRIME NO. 462/2015 OF AGALI POLICE STATION, PALAKKAD DISTRICT**

**PETITIONERS/ACCUSED :**

- 1. VISWAMBHARAN, AGED 64 YEARS,  
EETTIYANKIL VEEDU, KATTEKKAD,  
CHITTOOR.P.O., PALAKKAD DISTRICT.**
- 2. AJITHA, AGED 30 YEARS,  
EETTIYANKIL VEEDU, KATTEKKAD,  
CHITTOOR.P.O., PALAKKAD DISTRICT.**
- 3. VINEETHA, AGED 29 YEARS,  
EETTIYANKIL VEEDU, KATTEKKAD,  
CHITTOOR.P.O., PALAKKAD DISTRICT.**

**BY ADVS.SRI.S.RAJEEV  
SRI.K.K.DHEERENDRAKRISHNAN  
SRI.V.VINAY**

**RESPONDENTS & STATE :**

- 1. STATE OF KERALA,  
REPRESENTED BY PUBLIC PROSECUTOR,  
HIGH COURT OF KERALA, ERNAKULAM- 682031  
(CRIME NO.462/2015 OF AGALI POLICE STATION,  
PALAKKAD DISTRICT).**
- 2. STATION HOUSE OFFICER, AGALI POLICE STATION  
PALAKKAD DISTRICT-678581.  
(CRIME NO.462/2015 OF AGALI POLICE STATION  
PALAKKAD DISTRICT).**

**R1 & R2 BY PUBLIC PROSECUTOR MR. RAJESH VIJAYAN**

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION  
ON 07-09-2015, THE COURT ON THE SAME DAY PASSED THE  
FOLLOWING:**

**bp**

**A.HARIPRASAD, J.**

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**B.A No.5216 of 2015**

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**Dated this the 7<sup>th</sup> day of September, 2015.**

**ORDER**

Application for pre-arrest bail under Section 438 Cr.P.C.

2. Petitioners are the accused in Crime No.462/2015 of Agali Police Station registered for offences punishable under Sections 498A I.P.C and Section 3(1)(x) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

3. Prosecution case, in short, is that the first accused's son married the defacto complainant and thereafter she was treated cruelly. The defacto complainant is a member of the Scheduled Caste and the accused persons belonged to Ezhava community.

4. Heard the learned counsel for the petitioners and the learned Public Prosecutor. Perused the First Information Statement.

5. There is no whisper regarding the ingredients of offence in Section 3(1)(x) of Scheduled Castes and Scheduled

Tribes (Prevention of Atrocities) Act. Considering the relationship between the parties, following directions are made :

1. Petitioners shall surrender before the investigating officer within a period of two weeks from today and submit themselves for interrogation. Thereafter, they shall be produced before the learned Magistrate having jurisdiction on the same day. In that event, the petitioners shall be released on bail on executing a bond for Rs.25,000/- (Rupees twenty five thousand only) with two solvent sureties each for the like sum each to the satisfaction of the learned Magistrate having jurisdiction.
2. The sureties shall produce documents to establish their identity and solvency. The learned trial Judge need not insist on solvency certificate, but other documents can also be perused to find out whether the sureties are solvent or not.
3. The petitioners shall appear before the Investigating Officer as and when directed.
5. The petitioners shall not influence or intimidate the witnesses or meddle with the investigation in any manner.

If any of the above conditions is violated by the petitioners, the learned Magistrate having jurisdiction is free to cancel the bail.

Sd/-  
**A.HARIPRASAD,**  
**JUDGE.**