

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

MONDAY, THE 14TH DAY OF SEPTEMBER 2015/23RD BHADRA, 1937

Bail Appl..No. 5364 of 2015

CRIME NO. 960/2015 OF OTTAPALAM POLICE STATION , PALAKKAD DISTRICT

PETITIONER(S)/ACCUSED :

- 1. T.A.XAVIER, AGED 67 YEARS,
S/O.AUGUSTINE, CONTRACTOR, M/S.T.A.XAVIER & SONS,
THAREPARAMBIL HOUSE, PALLURUTHY P.O., KOCHI-682 006.**
- 2. T.X.AUGUSTINE, AGED 42 YEARS,
S/O.T.A.XAVIER, THAREPARAMBIL HOUSE, PALLURUTHY P.O.,
KOCHI-682 006.**

**BY ADVS.SRI.BABU JOSEPH KURUVATHAZHA
SRI.P.T.ABHILASH**

RESPONDENT(S)/STATE :

- 1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM, KOCHI-682 031.**
- 2. SUPERINTENDENT OF POLICE,
PALAKKAD, PIN-678 001.**
- 3. OTTAPPALAM POLICE STATION,
OTTAPPALAM P.O., PALAKKAD DISTRICT, PIN-679 101,
REPRESENTED BY ITS STATION HOUSE OFFICER.**

*** ADDITIONAL R4 IMPEADED**

- 4. P.MURALEEDHARAN, AGED 55 YEARS,
PRABHALAYAM.T.C, 31/1376, KALPANKANAGAR, NO.90,
CHAKKA, PETTAH, THIRUVANANTHAPURAM.**

*** ADDITIONAL R4 IS IMPEADED AS PER ORDER DATED 14.09.2015 IN
CRL.M.A.NO.9079 OF 2015.**

**R1 TO R3 BY PUBLIC PROSECUTOR SRI.C.RASHEED
ADDL.R4 BY ADVS. SRI.P.P.THAJUDEEN
SRI.MANSOOR.B.H.**

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 14-09-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

Msd.

A.HARIPRASAD, J.

B.A.No.5364 of 2015

Dated this the 14th day of September, 2015

ORDER

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

2. Petitioners are accused in Crime No.960 of 2015 of Ottappalam Police Station registered for the offences punishable under Sections 294(b), 323, 332, 448 and 506(i) r/w Section 34 of the Indian Penal Code.

3. Prosecution case is that on 24.08.2015 at 11.00 a.m., accused Nos.1 and 2, who were contractors engaged in building Ottappalam bus stand barged into the Office of the Municipal Secretary and abused him in filthy words and attacked him with hands causing pain.

4. It is the allegation that the Municipal Secretary apparently delayed forwarding the bills submitted by the contractors for encashment.

5. Heard the learned counsel for the petitioners, learned counsel for the de facto complainant and the learned Public Prosecutor.

6. I have perused the case diary. From the materials in the case diary, I find that custodial interrogation of the petitioners in this case may not be necessary. Hence, I am inclined to grant anticipatory bail to the petitioners with the following conditions:

- (a) Petitioners shall surrender before the Investigating Officer within a period of 'two weeks' from today and submit themselves for interrogation. Thereafter, they shall be released on bail on their executing a bond for ₹25,000/- (Rupees Twenty Five Thousand Only) each with two solvent sureties each for the like sum to the satisfaction of the Investigating Officer.
- (b) The petitioners shall appear before the Investigating Officer as and when required for the purpose of interrogation.
- (c) The petitioners shall co-operate with the investigation of the case.

- (d) The petitioners shall not intimidate or attempt to influence the witnesses.
- (e) The petitioners shall not in any manner interfere or meddle with the investigation.
- (f) Petitioners shall not, during the period of this bail get involved in any offence.

In case any of the above conditions is violated, bail granted hereby is liable to be cancelled for which the investigating officer may move application before the jurisdictional magistrate.

Sd/-
A.HARIPRASAD, JUDGE.

AS

/True Copy/

P.A. to Judge