

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

TUESDAY, THE 29TH DAY OF SEPTEMBER 2015/7TH ASWINA, 1937

Bail Appl..No. 5441 of 2015 ()

**CRIME NO. 556/2015 OF KODAL POLICE STATION,
PATHANAMTHITTA DISTRICT**

PETITIONERS/ACCUSED NO.1 TO 3 :

- 1. SURESH, AGED 48 YEARS,
SUNITHA BHAVAN, THENGAMAM, ADOOR,
PATHANAMTHITTA, NOW RESIDING AT EETTIVILA,
KONNELIAM, KALANJOOR.**
- 2. KUTTAN @ AJITH
S/O.VARGHESE, EETTIVILA, KONNELIAM
KALANJOOR.**
- 3. SARATH, AGED 19 YEARS,
S/O.SASI, EETTIVILA, KONNELIAM
KALANJOOR.**

**BY ADVS.SRI.NIDHI BALACHANDRAN
SRI.SABU GEORGE**

RESPONDENTS/STATE AND COMPLAINANT :

- 1. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682031.**
- 2. SUB INSPECTOR OF POLICE,
KODAL POLICE STATION-689 693.**

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

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 29-09-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

bp

A.HARIPRASAD, J.

B.A. No.5441 of 2015

Dated this the 29th day of September, 2015

ORDER

Petition under Section 438 of the Code of Criminal Procedure.

2. Petitioners are accused 1 to 3 in Crime No.556 of 2015 of Koodal Police Station registered for offences punishable under Sections 294(b), 325 and 354 read with Section 34 of the Indian Penal Code.

3. On 17.06.2015 at about 4.00 p.m. the accused persons trespassed into the residential building of the defacto complainant and the first accused hit on the face of the defacto complainant causing fracture of teeth. Fourth accused allegedly outraged the modesty of the defacto complainant. The other accused slapped her.

4. Heard both sides.

5. Learned counsel for the petitioners submitted that Annexure-A1 is the death certificate showing the date of death of the grandmother of the petitioners. Annexure-A2 shows that on the date of death of their grandmother, the family members of the defacto complainant attacked the accused. In spite of filing a complaint before the Police, no action was taken. This is a false case filed to retaliate the earlier incident.

After hearing both sides and on seeing the materials in the case diary, I am not inclined to grant anticipatory bail to the first accused.

Therefore, his application will stand dismissed. Allegations against the second and third accused are simple in nature. Therefore, the following order:

i. Petitioners 2 and 3 shall surrender before the investigating officer within a period of one week and submit themselves for interrogation. Thereafter each one of them shall execute a bond for ₹25,000/- (Rupees twentyfive thousand only) with two solvent sureties each for the like sum to the satisfaction of the investigating officer. In that event, they shall be released on bail in Crime No.556 of 2015 of Koodal Police Station.

ii. The sureties shall produce documents to establish their identity and solvency.

iii. Petitioners shall appear before the Investigating Officer as and when directed in writing and co-operate with the investigation in the matter.

iv. They shall not influence or intimidate the witnesses.

In case of violation of any of the above conditions, the officer concerned is free to arrest the petitioners as if no order is passed.

A. HARIPRASAD, JUDGE.

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