

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE RAJA VIJAYARAGHAVAN V

WEDNESDAY, THE 14TH DAY OF OCTOBER 2015/22ND ASWINA, 1937

Bail Appl..No. 5482 of 2015 ()

CRIME NO. 1406/2015 OF ANCHAL POLICE STATION , KOLLAM DISTRICT

PETITIONER(S)/ACCUSED NOS.2 & 3:-

- 1. MANIKUTTAN, AGED 33 YEARS,
S/O.ANDAVAN, MAHESH BHAVAN, MYLADUMMUKAL,
BHARATHEEPURAM P.O., KANJAVAYAL, PUNALUR TALUK,
KOLLAM DISTRICT.**
- 2. PRASHOB @ UNNI, AGED 23 YEARS,
S/O.PRASANNAN, LATHA BHAVAN, KOMALAM,
ANCHAL VILLAGE, PUNALUR TALUK, KOLLAM DISTRICT.**

**BY ADVS.DR.PAULY MATHEW MURICKEN
SRI.O.P.JOS WINSON**

RESPONDENT/COMPLAINANT:-

**STATE OF KERALA,
REP. BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM,
REPRESENTING THE SUB INSPECTOR OF POLICE,
ANCHAL POLICE STATION, KOLLAM DISTRICT-691 006**

BY PUBLIC PROSECUTOR SRI.REJI JOSEPH

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 14-10-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

sts

RAJA VIJAYARAGHAVAN.V. J

B.A.5482/2015

Dated 14th October, 2015

ORDER

- 1.This is an application for anticipatory bail filed u/s 438 of the Code of Criminal Procedure.
- 2.The petitioners are accused Nos.2 and 3 in crime No.1406 of 2015 of the Anchal police station. The said crime is registered for offence punishable u/s 341, 294 (b), 324, 308, 506(ii) and S.34 of the IPC.
- 3.The allegation is that on 9.8.2015 at 5.00 pm, the informant was assaulted by accused Nos.1 to 3 with a wooden stick and iron rod and has thus committed the offence.
- 4.I have heard the learned counsel for the petitioner as well as the learned Public Prosecutor.

5.The learned counsel for the petitioner, relying on Annexure-2 FIR in crime No.1407 of 2015 of the Anchal police station, submitted that a counter case has been registered against the de facto complainant and others based on the information given by the wife of the 1st accused in crime No.1406 of 2015. According to the learned counsel, the allegation levelled against the accused are false and none of the injuries were actually sustained by the de facto complainant. The wife of the 1st petitioner was a pregnant lady and the first informant and his friends are alleged to have trespassed into her house and assaulted her and her mother in law.

6.Having regard to the facts and circumstances and in view of fact that a counter crime has also been registered as against the informant and others, I am of the view that relief of anticipatory bail can be granted to the petitioners subject to the following conditions.

i). The petitioners shall be released on bail after interrogation on their executing a bond for 25,000/- each, with two solvent sureties each for the like sum, if they are arrested by the police in connection with this case.

ii). The petitioners shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

iii). The petitioners shall make themselves available for interrogation as and when required by the Investigating officer.

iv). The petitioners shall not influence or intimidate the prosecution witnesses or attempt to tamper with the evidence for the prosecution.

v). The petitioners shall not commit any similar offence while on bail.

vi). The petitioners shall not leave India without previous permission of the jurisdictional magistrate.

vii). In case of violation of any of the above conditions, the jurisdictional magistrate shall be empowered to cancel the bail in accordance with law.

This application is allowed as above.

Sd/-
RAJA VIJAYARAGHAVAN.V.
Judge

MrCs

//True copy//

P.S. To Judge