

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

WEDNESDAY, THE 23RD DAY OF SEPTEMBER 2015/1ST ASWINA, 1937

Bail Appl..No. 5605 of 2015 ()

CRIME NO. 1198/2015 OF KADUTHURUTHY POLICE STATION , KOTTAYAM DISTRICT

PETITIONER(S)/ACCUSED NOS. 1 TO 3:

- 1. VALSAMMA THOMAS, AGED 45 YEARS,
W/O.THOMAS KURIAN, KATTUTHARA HOUSE, VALACHIRA,
KADUTHURUTHY, KOTTAYAM DISTRICT.**
- 2. ELSAMMA DEVASSIA, AGED 70 YEARS,
W/O.LATE DEVASSIA, PARATHIPARAMBIL HOUSE,
CHERTHALA P.O., ALAPPUZHA DISTRICT.**
- 3. S.D.SAJEEV @ THAMPAN, AGED 55 YEARS,
S/O.DAYANANDA BABU, SANTA VILASAM,
PATTANAKKAD P.O., CHERTHALA, ALAPPUZHA DISTRICT.**

BY ADV. SRI.NIREESH MATHEW

RESPONDENT/COMPLAINANT:

**STATE OF KERALA,
REP. BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.**

BY PUBLIC PROSECUTOR SMT. LALIZA.T.Y

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 23-09-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

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A. HARIPRASAD, J.

Bail Appl. No.5605 of 2015

Dated this the 23rd day of September 2015

O R D E R

Petition filed under Sec.438 Cr.P.C.

2. Petitioners are accused nos.1 to 3 in Crime No.1198 of 2015 of Kaduthuruthy Police station registered for the offences punishable under Secs.452, 294(b), 323, 342 and 109 read with Sec.34 of the Indian Penal Code. The prosecution case is that on 03.09.2015 at 8.45 a.m., the 2nd petitioner came to the defacto complainant's house accompanied by the 3rd petitioner and three others. They assaulted the defacto complainant by using hands. It is also alleged that one of the assailants used a stick.

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

4. Learned counsel for the petitioner submitted that the house alleged to have been trespassed upon belongs to the 1st accused. 2nd accused is the mother of the 1st accused and the 3rd accused is said to be the driver of the 1st accused. It is also submitted that since the 1st

accused, who is the owner of the house, has no objection in 3rd accused entering the house, the offence under Sec.452 IPC may not lie against him.

5. Learned Public Prosecutor opposed the bail application. It is submitted that the prosecution case is that there is an unholy connection between the 1st accused and the 3rd accused. She insisted that the 3rd accused should be given in custody for questioning so that identity other unidentified accused would be unearthed.

6. Considering the nature of allegations, bail is granted to the petitioners with the following conditions.

1. The petitioners shall surrender before the investigating officer within a period of two weeks and submit themselves for interrogation.

2. In the event of arrest, the petitioners shall be released on their executing a bond for Rs.25,000/- (Rupees twenty five thousand only) each with two solvent sureties each for the like

sum to the satisfaction of the investigating officer.

3. The petitioners shall appear before the Investigating Officer between 10.00 a.m. and 11.00 a.m. on every Monday till the final report is filed.

4. The petitioners shall not intimidate or attempt to influence the witnesses, nor shall they tamper with the evidence.

In case of violation of any of the above conditions, the learned Magistrate is empowered to cancel the bail in accordance with law without referring the matter to this Court.

Sd/-
A. HARIPRASAD
JUDGE

/ True Copy /

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P.A. To Judge