

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

**PRESENT:**

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

**TUESDAY, THE 22ND DAY OF SEPTEMBER 2015/31ST BHADRA, 1937**

**Bail Appl..No. 5609 of 2015**  
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**CRIME NO. 1088/2015 OF PERINTHALMANNA POLICE STATION,  
MALAPPURAM DISTRICT.**  
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**PETITIONER/2ND ACCUSED:**  
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**MUHAMMEDALI, AGED 37 YEARS,  
S/O.UNNEENKUTTY, MUTHUVATTARA HOUSE,  
ARAKKUPARAMBA P.O, PERINTHALMANNA TALUK,  
MALAPPURAM DT.**

**BY ADV. SRI.SURAJ.S**

**RESPONDENT(S)/COMPLAINANT:**  
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- 1. STATE,  
REPRESENTED BY PUBLIC PROSECUTOR,  
HIGH COURT OF KERALA, ERNAKULAM - 682 031.**
- 2. THE SUB INSPECTOR OF POLICE,  
PERINTHALMANNA POLICE STATION  
(CRIME NO.1088 OF 2015)  
PERINTHALMANNA, MALAPPURAM DT., PIN - 673 001.**

**BY PUBLIC PROSECUTOR SMT.T.Y.LALIZA**

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION  
ON 22-09-2015, THE COURT ON THE SAME DAY PASSED THE  
FOLLOWING:**

**mbr/**

**A.HARIPRASAD, J.**

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**B.A No.5609 of 2015**  
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**Dated this the 22<sup>nd</sup> day of September, 2015.**

**ORDER**

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

2. Petitioner is the second accused in Crime No.1088 of 2015 of Perinthalmanna Police Station registered for offences punishable under Sections 447, 341, 326 and 354 r/w Section 34 I.P.C.

3. Prosecution case, in short, is that on 22-08-2015 at about 8.00 a.m, the petitioners allegedly trespassed into the courtyard of the house of the defacto complainant and the first accused outraged the modesty of the defacto complainant by pulling her maxi. The second accused beat her with a firewood piece causing a fracture on the ulna of her hand.

4. Heard the learned counsel for the petitioner and the learned Public Prosecutor.

5. According to the learned counsel for the petitioner previous to this incident on 7.15 a.m on the same day, the

petitioner's son was assaulted by the defacto complainant and against which a crime has been registered as Crime No.1089 of 2015 of Perinthalmanna Police Station. Although, this case was registered initially. The incident involved in the other crime was happened and reported first. According to him this is a counter blast to the other incident. First accused has been granted under Section 438 Cr.P.C by the learned Sessions Judge. Learned Public Prosecutor submitted that the allegation of causing grievous hurt is only against this petitioner. The fact that recovery has already been effected in this case is undisputed. The parties are neighbours. Considering the entire facts and circumstances, following directions are made :

1. Petitioner shall surrender before the investigating officer within a period of two weeks from today and submit himself for interrogation. In that event, the petitioners shall be released on bail on executing a bond for Rs.50,000/- (Rupees fifty thousand only) with two solvent sureties each for the like sum to the satisfaction of the Investigating Officer.
2. The sureties shall produce documents to

establish their identity and solvency.

3. Petitioner shall appear before the Investigating Officer as and when directed.
4. Petitioner shall not influence or intimidate witnesses.
5. If any of the above conditions is violated by the petitioner, the learned Magistrate having jurisdiction is free to cancel the bail.

**A.HARIPRASAD,  
JUDGE.**

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