

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

WEDNESDAY, THE 30TH DAY OF SEPTEMBER 2015/8TH ASWINA, 1937

Bail Appl..No. 5652 of 2015

CRIME NO. 2407/2015 OF KARUNAGAPALLY POLICE STATION, KOLLAM
.....

PETITIONER(S)/ACCUSED:

1. RAJU, AGED 36 YEARS,
S/O.RAHIM, CHAARANKULATHU, PULIYOORVANCHI EAST,
THODIYOOR, KARUNAGAPPALLY, KOLLAM.
2. BIJU, AGED 34 YEARS,
S/O. RAHIM, PLAVILAPADIJATATHIL, PADIJATAKIZHAKKU,
SOORANADU, KOLLAM.

**BY ADVS.SRI.D.AJITHKUMAR
SRI.NAVIA SEBASTIAN**

RESPONDENT(S)/COMPLAINANT:

1. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM - 682 031.
2. SUB INSPECTOR OF POLICE,
KARUNAGAPPALLY, KOLLAM - 690 518.

BY PUBLIC PROSECUTOR SMT.R.REMA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
30-09-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

msv/

A. HARIPRASAD, J.

Bail Appl. No.5652 of 2015

Dated this the 30th day of September 2015

O R D E R

Bail application filed under Sec.438 Cr.P.C.

2. Petitioners seek pre arrest bail in Crime No.2407 of 2015 of Karunagappally Police station registered for the offences punishable under Secs.143 147, 148, 323, 324 and 427 read with Sec.149 of the Indian Penal Code and Sec.2 of the Prevention of Insult to National Honor Act, 1971. The prosecution case is that the petitioners requested the defacto complainant to allow them to mount on a horse arranged for the possession in connection with the Independence day celebrations. When he refused to allow them to get on the top of the horse, they attacked the defacto complainant and forcefully grabbed the national flag held by the defacto complainant and threw it on the road and stamped on it.

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

4. Learned counsel for the petitioners submitted

that the incident is a false story. Actually the petitioners were attacked by the defacto complainant and another crime of the same Police station bearing Crime No.2406 of 2015 had been registered prior in point of time. To wriggle out of this situation they have filed this false complaint.

After hearing both sides and perusing the materials in the case diary, following directions are issued.

i. The petitioners shall surrender before the investigating officer within a period of one week and submit themselves for interrogation.

ii. 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.

iii. The petitioners shall not intimidate or

attempt to influence the witnesses, nor shall they tamper with the evidence.

vii. The petitioners shall not involve in any other offence while they are on bail.

Sd/-
A. HARIPRASAD
JUDGE

/ True Copy /

NS/30/09/2015

P.A. To Judge