

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

TUESDAY, THE 6TH DAY OF OCTOBER 2015/14TH ASWINA, 1937

Bail Appl..No. 5712 of 2015 ()

CRIME NO. 1569/2015 OF VARKALA POLICE STATION.

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PETITIONERS/ACCUSED 2 TO 4:

- 1. VISAKH, S/O.BABU, AGED 22 YEARS,
VILAYIL VEEDU (WRONGLY SHOWN AS
CHINJU BHAVAN IN THE CAUSE TITLE OF
ANNEXURE -A ORDER PRODUCED HEREWITH) ,
NAVAIKKULAM, KALLAMBALAM, VARKALA,
THIRUVANANTHAPURAM.**
- 2. ANEESH, S/O.SUNIL KUMAR, AGED 29 YEARS,
VILAYIL VEEDU, (WRONGLY SHOWN AS
CHINJU BHAVAN IN THE CAUSE TITLE OF
ANNEXURE- A ORDER PRODUCED HEREWITH) ,
NAVAIKKULAM, KALLAMBALAM, VARKALA,
THIRUVANANTHAPURAM.**
- 3. CHINJU, W/O.SHABIN, AGED 25 YEARS,
CHINJU BHAVAN, NAVAIKKULAM,
KALLAMBALAM, VARKALA, THIRUVANANTHAPURAM.**

BY ADV. SRI.MANU V.

RESPONDENTS/COMPLAINANT STATE AND INVESTIGATING OFFICER:

- 1. STATE OF KERALA,
REPRESENTED BY ITS PUBLIC PROSECUTOR
AT THE HIGH COURT OF KERALA, AT ERNAKULAM-682 031.**
- 2. THE SUB INSPECTOR OF POLICE,
VARKALA POLICE STATION, VARKALA,
THIRUVANANTHAPURAM-695 141.**

BY PUBLIC PROSECUTOR SMT.R. REMA.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 06-10-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

rs.

A.HARIPRASAD, J.

B.A. No.5712 of 2015

Dated this the 6th day of October, 2015

ORDER

Petition under Section 438 of the Code of Criminal Procedure.

2. Petitioners are accused in Crime No.1569 of 2015 of Varkala Police Station registered for offences punishable under Sections 452, 294 (b), 323, 324 and 354 read with Section 34 of the Indian Penal Code.

3. The incident was on 24.07.2015 at 2.45 p.m. It is alleged that the accused persons trespassed into the house of the defacto complainant, uttered obscene words against his mother and outraged her modesty.

4. Heard both sides.

5. Learned counsel for the petitioners submitted that petitioners 1 and 2 are the cousin brothers of the third petitioner. Defacto complainant is the husband of the third petitioner. It is further submitted that the wife had filed a complaint against the husband under Section 498A of the Indian Penal Code. It is also submitted that the petitioners have not committed any offence and there is no material allegation to constitute an offence under Section 354 of the Indian Penal Code.

Having heard both sides, I am of the view that custodial

interrogation of the petitioners is not necessary. Hence the following directions are issued:

i. In the event of arrest in Crime No.1569 of 2015 of Varkala Police Station, the petitioners shall be released on bail on each one of them executing 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.

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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