

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

TUESDAY, THE 29TH DAY OF SEPTEMBER 2015/7TH ASWINA, 1937

Bail Appl..No. 5845 of 2015

CRIME NO. 1064/2015 OF NEMMARA POLICE STATION , PALAKKAD DISTRICT

APPLICANTS(S)/ACCUSED NOS.1 TO 8 :

1. SURESH, AGED 30 YEARS,
S/O.SWAMINATHAN, KIZHAKKEMURI, EDAPPADAM,
THIRUVAZHIYAD, NEMMARA, PALAKKAD.
2. RENJITH, AGED 25 YEARS,
S/O.RAJAN, CHEERAPOTTA, EDAPPADAM, THIRUVAZHIYAD,
NEMMARA, PALAKKAD.
3. AJAYAN, AGED 22 YEARS,
S/O.CHANDRAN, EDAPPADAM, THIRUVAZHIYAD,
NEMMARA, PALAKKAD.
4. BIBINDAS, AGED 24 YEARS,
S/O.BALAN, KIZHAKKEMURI, EDAPPADAM, THIRUVAZHIYAD,
NEMMARA, PALAKKAD.
5. SURESH, AGED 34 YEARS,
S/O.RAMANKUTTY, MOOLA, AYILUR,
NEMMARA, PALAKKAD.
6. SURYADAS, AGED 23 YEARS
S/O.CHANDRAN, MOOLA, AYILUR,
NEMMARA, PALAKKAD.
7. SAJITH, AGED 20 YEARS,
S/O.CHANDRAN, MOOLA, AYILUR,
NEMMARA, PALAKKAD.
8. RENJITH, AGED 24 YEARS,
S/O.RADHAKRISHNAN, MOOLA, AYILUR,
NEMMARA, PALAKKAD.

BY ADV. SRI.V.A.JOHNSON (VARIKKAPPALLIL)

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RESPONDENT(S)/COMPLAINANT :

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

BY PUBLIC PROSECUTOR SMT.TY.LALIZA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 29-09-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

Msd.

A.HARIPRASAD, J.

B.A. No.5845 of 2015

Dated this the 29th day of September, 2015

ORDER

Petition under Section 438 of the Code of Criminal Procedure.

2. Petitioners are accused 1 to 8 in Crime No.1064 of 2015 of Nenmara Police Station registered for offences punishable under Sections 143, 147, 148, 294(b), 323, 354, 452 and 427 read with Section 149 of the Indian Penal Code.

3. Prosecution case, in short, is that on 15.08.2015 at 19.00 hours, petitioners themselves formed into an unlawful assembly and trespassed into the house of the defacto complainant, uttering obscene words. They attacked and inflicted injuries on the defacto complainant with sticks. Fourth accused outraged the modesty of the defacto complainant. It is further alleged that damage to an extent of ₹5,000/- was caused by the petitioners.

4. Heard both sides.

5. Learned Prosecutor submitted that the fourth accused committed the outraging of modesty of the defacto complainant and others trespassed into the dwelling house and committed damage to the fittings in the house.

Considering the nature of allegations and the facts and circumstances, I am not inclined to grant pre-arrest bail to the fourth accused (second petitioner). Insofar as the other petitioners are concerned, the following order is passed:

i. Petitioners 1 and 3 to 8 (accused 1 to 3 and 5 to 8) shall surrender before the investigating officer within a period of one week and submit themselves for interrogation. Thereafter each one of them shall execute 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. In that event, they shall be released on bail in Crime No.1064 of 2015 of Nenmara Police Station.

ii. The sureties shall produce documents to establish their identity and solvency.

iii. Each one of them shall deposit ₹2,000/- (Rupees two thousand only) before the learned Magistrate having jurisdiction within a period of two weeks from the date of execution of bond.

iv. 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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