

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

MONDAY, THE 5TH DAY OF OCTOBER 2015/13TH ASWINA, 1937

Bail Appl..No. 5984 of 2015 ()

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CRIME NO. 372/2015 OF VELLAMUNDA POLICE STATION, WAYANAD DISTRICT.**

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APPLICANT/ACCUSED NO.1:

**PAILY, AGED 65 YEARS,
S/O. LATE MATHAI, PALAKKATTU HOUSE,
KATTAYAD P.O., VELLAMUNDA VILLAGE,
MANANTHAVADY TALUK, WAYANAD DISTRICT.**

**BY ADVS.SRI.KRISHNA PRASAD. S.,
SRI.NOBEL RAJU.**

RESPONDENT/COMPLAINANT/STATE:

**STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,
REPRESENTING THE STATION HOUSE OFFICER,
VELLAMUNDA POLICE STATION, PIN-682 031.**

BY PUBLIC PROSECUTOR SMT.R. REMA.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 05-10-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

rs.

A.HARIPRASAD, J.

B.A No.5984 of 2015

Dated this the 5th day of October, 2015.

ORDER

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

2. Petitioner is the accused in Crime No.372 of 2015 of Vellamunda Police Station registered for offences punishable under Sections 452, 341, 323 and 354 r/w Section 34 I.P.C.

3. Prosecution case, in short, is that on 08-09-2015 at about 5.30 p.m., the petitioner along with other accused trespassed into the house of the defacto complainant, a lady and the petitioner outraged her modesty and the other accused persons kicked on her stomach in connection with a dispute regarding an agreement for sale.

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

5. Learned counsel for the petitioner submitted that the petitioner though shown as 65 years is actually an 80 year old person. He is not involved in any other offence so far. A civil

dispute is unnecessarily given the colour of an offence and he is implicated in a false case. After hearing the prosecutor and considering the allegation against him, I am of the view that the petitioner is not entitled to get pre-arrest bail. Hence, following directions are issued :

The petitioner shall surrender before the Investigating Officer within a period of one week from today and submit himself for interrogation. Thereafter, he shall be produced before the learned Magistrate having jurisdiction on the same day. The petitioner is free to move for regular bail before the court below. In that event, the application shall be considered on merits as expeditiously as possible. If petitioners do not surrender in the stipulated time, the Investigating Officer is free to arrest him as if no order is passed in this matter.

amk

Sd/-
A.HARIPRASAD,
JUDGE.
//True copy//
P.A to Judge