

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. 6041 of 2015 ()

CRIME NO. 456/2015 OF VALIAMALA POLICE STATION, THIRUVANANTHAPURAM.

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PETITIONER/ACCUSED NO.2 & 3:

- 1. RAHUL, S/O JOSE CHANDRAN,
AGED 29 YEARS, RAHUL BHAVAN,
MANGOTTUKONAM, THOLICODE,
NEDUMANGAD, THIRUVANANTHAPURAM.**
- 2. CHANDRAN @ JOSE CHANDRAN, AGED 61 YEARS,
RAHUL BHAVAN, MANGOTTUKONAM, THOLICODE,
NEDUMANGAD, THIRUVANANTHAPURAM.**

BY ADV. SRI.LIJU. M.P.

RESPONDENTS/COMPLAINANT:

**STATE OF KERALA,
REPRESENTED BY SUB INSPECTOR OF POLICE,
VALIAMALA POLICE STATION,
THIRUVANANTHAPURAM DISTRICT,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**

BY PUBLIC PROSECUTOR SMT.TY. LALIZA.

**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.6041 of 2015

Dated this the 6th day of October, 2015.

ORDER

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

2. Petitioners are accused Nos.2 and 3 in Crime No.456/2015 of Valiamala Police Station registered for offences punishable under Sections 294(b), 323, 324 and 354 r/w Section 34 I.P.C.

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

4. Prosecution case, in short, is that on 16-08-2014, at about 10.30 a.m., they attacked the defacto complainant. The dispute appears to be in respect of a pathway.

5. Learned counsel for the petitioners submitted that a civil suit is pending between the parties. This is a counter blast to the litigation. It is also submitted that there is another case registered against the husband of the defacto complainant in connection with the same incident. Learned Public Prosecutor

on verification of the case diary submitted that the allegation constituting Section 354 I.P.C is only that the accused persons beat her with rafters and also the defacto complainant's daughter was pushed down. Considering the nature of allegations, I find that pre-arrest bail can be granted to the petitioners with following conditions :

1. Petitioners shall surrender before the investigating officer within a period of one week from today and submit themselves for interrogation. In that event, they shall be released on bail on executing a bond for Rs.25,000/- each (Rupees twenty five 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. Petitioners shall appear before the Investigating Officer as and when directed in writing and co-operate with the investigation

in the matter.

4. Petitioners shall not influence or intimidate witnesses.
5. If any of the above conditions is violated by the petitioners, the learned Magistrate having jurisdiction is free to cancel the bail.

Sd/-
A.HARIPRASAD,
JUDGE.

//True copy//

P.A to Judge

amk