

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

MONDAY, THE 2ND DAY OF FEBRUARY 2015/13TH MAGHA, 1936

Bail Appl..No. 6244 of 2014

Crl.MP 2771/2014 of SESSIONS COURT, ALAPPUZHA
CRIME NO. 1361/2014 OF CHENGANNOOR POLICE STATION , ALAPPUZHA

PETITIONER/ACCUSEDNO 2:

SHIBY C THOMAS, AGED 29 YEARS
S/O.C.C THOMAS, CHEMBUMALAYIL, VALANJAVATTOM P.O
THIRUVALLA, PATHANAMTHITTA

BY ADVS.SRI.C.S.MANU
SRI.S.K.PREMRAJ

RESPONDENTS/COMPLAINANT & THE INVESTIGATING OFFICER:

1. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM PIN 682 031
2. SUB INSPECTOR OF POLICE
CHENGANNUR POLICE STATION
ALAPPUZHA DISTRICT PIN 689 121 (NOTICE TO THE RESPONDENTS
MAY BE SERVED ON THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM)

R BY PUBLIC PROSECUTOR, SRI.SREEJITH V.S.

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
02-02-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

B.KEMAL PASHA, J.

B.A.No.6244 of 2014 A

Dated this the 2nd day of February 2015

ORDER

Petition under Section 438 Cr.P.C.

2. Petitioner is the second accused in Crime No.1361/2014 of Chengannur police station, Alappuzha district pending investigation for the offences punishable under Sections 452, 324, 354, 506(i) and 427 read with Section 34 of the Indian Penal Code.

3. The allegation against the petitioner and the other accused is that on 4.7.2014 at 1.30 a.m., they committed house trespass into the house of the de-facto complainant with deadly weapons like nanjak, stick etc. They allegedly outraged the modesty of the wife of the de-facto complainant and beat the de-facto complainant. It is also alleged that they have smashed and

destroyed the fan, teapoy, television, lights, photos etc. in the drawing room of the house, thereby causing a wrongful loss to the tune of Rs.75,000/- to the de-facto complainant, and also got signed cheque leaves from the de-facto complainant.

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

5. The contents of the C.D. *Prima facie* reveal the complicity of the petitioner. No criminal antecedents have been reported against the petitioner. The learned counsel for the petitioner has pointed out that accused Nos.1, 3 and 5 were arrested, detained and subsequently, enlarged on bail. The allegations against the petitioner are very grave and serious. Considering the facts and circumstances of the case and the fact that accused Nos.1, 3 and 5 have been arrested in the crime, I do not think that the custodial interrogation of the petitioner is required for the continued investigation of this case. At the same time, the huge financial loss

sustained to the de-facto complainant has to be taken note of. By making a provision for compensating the loss sustained to the de-facto complainant, I am of the view that anticipatory bail can be granted to the petitioner.

6. In the result, this bail application is allowed and the investigating officer or such other police officer, who is conducting the arrest of the petitioner, is directed to enlarge the petitioner on bail in the event of his arrest on his executing a bond for ₹25,000/- (Rupees twenty five thousand only) with two solvent sureties each for the like sum to the satisfaction of the officer conducting arrest, and subject to the following terms and conditions:-

(i) The petitioner shall deposit a sum of Rs.75,000/- (Rupees seventy five thousand only) before the court below within a period of 14 days from today.

(ii) The petitioner shall report before the investigating officer in between 9 a.m. and 11 a.m. on all Mondays and Thursdays, commencing from 9.2.2015 for a period of three months or till the filing

of the final report in this case, whichever is earlier.

(iii) The petitioner shall not tamper with the evidence or influence witnesses.

(iv) The petitioner shall make himself available for interrogation as and when required by the investigating officer.

(v) The petitioner shall not involve in any offence while on bail.

It is made clear that the violation of any of the conditions stipulated above will result in the cancellation of bail.

Sd/-
B.KEMAL PASHA,
JUDGE

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PA to Judge