

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE RAJA VIJAYARAGHAVAN V

MONDAY, THE 19TH DAY OF OCTOBER 2015/27TH ASWINA, 1937

Bail Appl..No. 6438 of 2015 ()

CRIME NO. NOT KNOWN OF SREEKRISHNAPURAM POLICE STATION, PALAKKAD

PETITIONERS/ACCUSED :

1. HARIDASAN, AGED 77 YEARS
S/O. CHOZHY, THIRUNARAYANAPURAM, OTTAPPALAM TALUK
PALAKKAD DISTRICT, PIN-679513.
2. KAMALAM, AGED 70 YEARS
W/O. CHOZHY, THIRUNARAYANAPURAM, OTTAPPALAM TALUK
PALAKKAD DISTRICT, PIN-679513.
3. SUDHEESH, AGED 43 YEARS
S/O. HARIDAS, PARAMEL HOUSE, THIRUVAZHIYODU
VELLINEZHI, SRIKRISHNAPURAM, CHERPULASSERI
PALAKKAD DISTRICT, PIN-679513.
4. PREETHA,
W/O. SUDHEESH, AGED 33 YEARS
S/O. HARIDAS, PARAMEL HOUSE
THIRUVAZHIYODU, VELLINEZHI, SRIKRISHNAPURAM
CHERPULASSERI, PALAKKAD DISTRICT, PIN-679513.

**BY ADVS.SRI.SUNIL NAIR PALAKKAT
SRI.K.N.ABHILASH**

RESPONDENTS/STATE AND COMPLAINANT :

1. STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM-682031.
2. THE STATION HOUSE OFFICER
SREEKRISHNAPURAM NORTH POLICE STATION,
PALAKKAD, PIN-679 513.

R1 & R2 BY PUBLIC PROSECUTOR SMT. S. HYMA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 19-10-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

RAJA VIJAYARAGHAVAN V, J.

B.A.No.6438 of 2015

Dated this the 19th day of October, 2015

O R D E R

This is an application for anticipatory bail filed under S.438 of the Code of Criminal Procedure.

2. The petitioners herein are the accused Nos.1 to 4 in Crime No.763 /2015 of Sreekrishnapuram Police Station, Palakkad. The aforesaid crime has been registered for offence punishable under S.353, 354 & 341 r/w.S.34 of the IPC.

3. The gist of the allegation is that, on 01.10.2015 at about 12.00 p.m., the petitioners had wrongfully restrained the Vellinezhy Village Officer and his subordinates on their arrival at the residential home of the petitioners pursuant to initiation of revenue recovery proceedings.

4. I have heard the learned counsel appearing for the petitioners as well as the learned Public Prosecutor.

5. The learned counsel appearing for the petitioners placing reliance on Annexures A1 to A5, produced along with the bail application, submitted that the registration of the crime on untenable allegations, is a view to punish the petitioners for approaching this court on an earlier occasion. It is pointed out that, when the revenue authorities refused to accept the amount deposited by the 3rd petitioner as directed in Annexure A1 order, the 3rd petitioner had approached this Court and had filed W.P.C.No.30296/2015 resulting in Annexure A5 order dated 06.10.2015. It is the contention of the petitioner that pursuant to filing of the above writ petition, and after receipt of notice of proceedings, the de facto complainant approached the police and got the crime registered.

6. In the facts and circumstances of the instant case, I am of the view that there is absolutely no need for the custodial interrogation of the petitioners and the relief of pre-arrest bail can be issued in their favour.

In the result, this application is allowed, but subject to the following conditions:

i). The petitioners shall be released on bail after interrogation on their executing a bond for Rs.10,000/- each with two solvent sureties each for the like sum if they are arrested by the Police in connection with this case.

ii). The petitioners shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/ her from disclosing such facts to the court or to

any police officer.

iii). The petitioners shall make themselves available for interrogation as and when required by the investigating officer.

iv). The petitioners shall not influence or intimidate the prosecution witnesses or attempt to tamper with the evidence for the prosecution.

This application is allowed as above.

Sd/-

**RAJA VIJAYARAGHAVAN V,
JUDGE.**

Bb

[True copy]

P.A to Judge