

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.SUDHEENDRA KUMAR

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

Bail Appl..No. 6444 of 2015

CRIME NO. 461/2015 OF VELLATHOOVAL POLICE STATION , IDUKKI DISTRICT

PETITIONER(S)/ACCUSED 1 TO 7 :

- 1. CHANDRAN, AGED 52 YEARS,
S/O.PADMANABHAN NAIR, CHERUKARAYIL HOUSE, PANIKKANKUDY,
KONNATHADY VILLAGE, VELLATHOOVAL, IDUKKI DISTRICT.**
- 2. AKHIL, AGED 27 YEARS,
S/O.GOPALAN, NOKKARAPPARAMBIL HOUSE, PANIKKANKUDY,
KONNATHADY VILLAGE, VELLATHOOVAL, IDUKKI DISTRICT.**
- 3. MAHESH, AGED 22 YEARS,
S/O.UNNI, NOKKARAPPARAMBIL HOUSE, PANIKKANKUDY,
KONNATHADY VILLAGE, VELLATHOOVAL, IDUKKI DISTRICT.**
- 4. LIBIN, AGED 22 YEARS,
S/O.ULAHANAN, CHIRAVAILIL, PANIKKANKUDY,
KONNATHADY VILLAGE, VELLATHOOVAL, IDUKKI DISTRICT.**
- 5. MOMIS, AGED 23 YEARS,
S/O.SEBASTIAN, VARAVUMKAL HOUSE, PANIKKANKUDY,
KONNATHADY VILLAGE, VELLATHOOVAL, IDUKKI DISTRICT.**
- 6. SHAMEER, AGED 28 YEARS,
S/O.BABU, THOTTIYIL HOUSE, PANIKKANKUDY,
KONNATHADY VILLAGE, VELLATHOOVAL, IDUKKI DISTRICT.**
- 7. BIJU KURUMTHOTTIYIL, AGED 21 YEARS,
S/O.SAJU, KURUMTHOTTICKAL, PANIKKANKUDY,
KONNATHADY VILLAGE, VELLATHOOVAL, IDUKKI DISTRICT.**

BY ADV. SRI.LATHEESH SEBASTIAN

RESPONDENT(S)/STATE AND COMPLAINANT :

- 1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM- 682 031.**

Bail Appl..No. 6444 of 2015

**2. SUB INSPECTOR OF POLICE,
VELLATHOOVAL POLICE STATION,
IDUKKI DISTRICT- 685 586.**

BY PUBLIC PROSECUTOR SMT.R.REMA

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

Msd.

B. SUDHEENDRA KUMAR, J.

B. A. No. 6444 of 2015

Dated this the 19th day of October, 2015

O R D E R

The petitioners are accused Nos.1 to 7 in Crime No.461/2015 of Vellathooval Police Station registered under Sections 143, 147, 148, 149, 294(b), 323, 324, 341, 354, 354(b), 452 and 506(1) of IPC.

2. The prosecution allegation is that, on 29.09.2015 at about 9.00 p.m., the petitioners along with other accused trespassed into the house of the defacto complainant and uttered abusive words against the defacto complainant. The 1st accused outraged the modesty of the defacto complainant by tearing off the nighty worn by the defacto complainant. He also caught on the body of the defacto complainant. The 2nd accused assaulted the defacto complainant by beating with a stick and the other accused persons assaulted the husband of the defacto complainant with hands.

3. The petitioners have filed this application under Section 438 Cr.P.C.

4. Heard.

5. It has been submitted by the learned Public Prosecutor that, the 1st and the 4th petitioners have been already arrested. The allegation of the offence under Section 354 is attributed only to the 1st accused. The petitioners are not involved in any other offence. The injured persons did not sustain any serious injury in the incident.

6. Considering the facts and circumstances of the case including the fact that the petitioners are first time offenders, I am of the view that, the custodial interrogation of the petitioners 2, 3 and 5 to 7 is not necessary in this case.

7. In the said circumstances, I am inclined to grant relief under Section 438 Cr.P.C. in favour of the said petitioners. Since the petitioner Nos.1 and 4 have been already arrested, their application deserves to be dismissed.

8. In the result, this application stands dismissed as regards petitioner Nos.1 and 4 and allowed as regards the other petitioners. Petitioner Nos.2, 3 and 5 to 7 shall be enlarged on bail in the event of their arrest in connection with Crime No.461/2015 of Vellathooval Police Station on condition of each of the petitioners executing a bond for ₹30,000/- (Rupees thirty

thousand only) each, with two solvent sureties each, each for the like sum to the satisfaction of the Sub Inspector of Police, Vellathooval Police Station, before whom the petitioners shall surrender within 10 days from today, if not already arrested and subject to the following conditions:

- (i) The petitioners shall report before the Investigating Officer on every Monday between 9.00 a.m. and 11 am. for 3 months and thereafter as and when required by the Investigating Officer in writing.
- (ii) The petitioners shall not get involved in any offence while on bail.
- (iii) The petitioners shall not intimidate or influence the witnesses or in any way temper with the investigation.

Sd/-

B. SUDHEENDRA KUMAR, JUDGE.

/true copy/

P. A. to Judge