

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. 6446 of 2015 ()

CRIME NO. 574/2015 OF NATTUKAL POLICE STATION,PALAKKAD DISTRICT

APPLICANTS/ACCUSED NOS. 1 TO 5:

1. SHIYAS BABU, AGED 36 YEARS,
S/O. HAMSA, KANHIRATHIL HOUSE, NATTUKAL POST,
53RD MILE, MANNARKKAD TALUK, PALAKKAD DISTRICT.
2. HAMSA, AGED 66 YEARS,
S/O. MOOSAHAJI, KANHIRATHIL HOUSE, NATTUKAL POST,
53RD MILE, MANNARKKAD TALUK, PALAKKAD DISTRICT.
3. AYISHA, AGED 55 YEARS,
W/O. HAMSA, KANHIRATHIL HOUSE, NATTUKAL POST,
53RD MILE, MANNARKKAD TALUK, PALAKKAD DISTRICT.
4. SHAHEEN, AGED 28 YEARS,
S/O. HAMSA, KANHIRATHIL HOUSE, NATTUKAL POST,
53RD MILE, MANNARKKAD TALUK, PALAKKAD DISTRICT.
5. MOOSA, AGED 63 YEARS,
S/O. SIRAJ, PALLATHODI HOUSE, CHERUKARA POST,
MALAPPURAM DISTRICT.

**BY SRI.P.VIJAYA BHANU,SENIOR ADVOCATE
ADVS. SRI.V.C.SARATH
SRI.THOMAS J.ANAKKALLUNKAL**

RESPONDENT/COMPLAINANT:

**STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**

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:**

sts

B. SUDHEENDRA KUMAR, J.

B. A. No. 6446 of 2015

Dated this the 19th day of October, 2015

O R D E R

The petitioners are accused in Crime No.574 of 2015 of Nattukal Police Station registered under Sections 143, 147, 341, 323, 354 & 498A read with Section 149 IPC.

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

3. Heard.

4. The allegation of the offence under Section 354 IPC is only against the 4th petitioner. The allegation would show that, the 4th petitioner attempted to catch her on some day, but she escaped from there. The learned counsel for the petitioners has submitted that it was only for the purpose of bringing the 4th petitioner in the array of the accused that the said allegation had been raised.

5. Considering the facts and circumstances of the case, including the relationship between the defacto complainant and the petitioners, I am of the view that an order under Section 438 Cr.P.C. in favour of the petitioners will be justified in this case.

6. In the result, this application stands allowed and the respondent is directed to release the petitioners on bail, in the

event of their arrest in connection with Crime No. 574 of 2015 of Nattukal 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, Nattukal Police Station, before whom the petitioners shall surrender within 10 days from today, if not already arrested, and subject to the following further conditions:

- (i) The petitioners shall report before the Investigating Officer 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 tamper with the investigation.

Sd/-

B. SUDHEENDRA KUMAR, JUDGE.

/true copy/

P. A. to Judge