

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

THURSDAY, THE 29TH DAY OF OCTOBER 2015/7TH KARTHIKA, 1937

Bail Appl..No. 6460 of 2015 ()

CRIME NO. 843/2015 OF ERUMAPETTY POLICE STATION, THRISSUR DISTRICT

PETITIONER(S) :

- 1. SIVAN P.K., AGED 37 YEARS
S/O.KUNJUNNI, PATTIYATH HOUSE, VELUR
KURUMAL, THRISSUR DISTRICT.**
- 2. SUMESH @ KANNAN, AGED 25 YEARS
S/O.SIVADASAN, PALISSERY HOUSE, VELUR
KURUMAL, THRISSUR DISTRICT.**

BY ADV. SRI.MAHESH V. MENON

RESPONDENT/STATE :

**STATE OF KERALA
THROUGH SUB INSPECTOR OF POLICE
ERUMAPETTY POLICE STATION
THRISSUR
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM.**

BY PUBLIC PROSECUTOR SMT. R. REMA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 29-10-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Mn

A.HARIPRASAD, J.

B.A. No.6460 of 2015

Dated this the 29th day of October, 2015

ORDER

Application under Section 438 of the Code of Criminal Procedure.

2. Petitioners seek pre-arrest bail in Erumapetty Police Station Crime No.843 of 2015 registered for offences punishable under Sections 506, 452, 323, 324 and 354 read with Section 34 of the Indian Penal Code.

3. Allegation is that on 13.09.2015 at 10.45 p.m., the petitioners allegedly trespassed into the house of the defacto complainant and beat him with an iron pipe on forehead. On seeing this, defacto complainant's mother intervened. The accused kicked and pushed her down and thereby outraged her modesty.

4. Heard both sides.

5. Learned counsel for the petitioners submitted that the entire allegations are false and user of iron pipe is stoutly denied. There is no ingredients to attract an offence under Section 354 of the Indian Penal Code is the case of petitioners.

After hearing both sides, I am of the view that following directions can be issued:

i. Petitioners shall surrender before the investigating officer within a period of one week and submit themselves for interrogation. Thereafter each one of them shall execute a bond for ₹25,000/- (Rupees twentyfive thousand only) with two solvent sureties each for the like sum to the satisfaction of the investigating officer. In that event, they shall be released on bail in Crime No.843 of 2015 of Erumapetty Police Station.

ii. The sureties shall produce documents to establish their identity and solvency. The investigating officer shall not insist on the solvency certificate, but other documents can also be perused to find out whether the sureties are solvent or not.

iii. Petitioners shall appear before the investigating officer as and when directed in writing and co-operate with the investigation in the matter.

iv. They shall not influence or intimidate the witnesses.

In case of violation of any of the above conditions, the officer concerned is free to arrest the petitioners as if no order is passed.

A. HARIPRASAD, JUDGE.

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