

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

TUESDAY, THE 3RD DAY OF NOVEMBER 2015/12TH KARTHIKA, 1937

Bail Appl..No. 6476 of 2015

CRIME NO. 267/2015 OF KUTTAMPUZHA POLICE STATION, ERNAKULAM DISTRICT.
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PETITIONER(S)/ACCUSED 1 TO 3:

1. ARUN, AGED 26 YEARS,
S/O.CHANDRAN, PAKKATTU HOUSE,
KUTTAMPUZHA VILLAGE,
MAMALAKANDAM KARA,
KOTHAMANGALAM TALUK.
2. CHANDRAN, S/O.KUNJAN, PAKKATTU HOUSE,
KUTTAMPUZHA VILLAGE, MAMALAKANDAM KARA,
KOTHAMANGALAM TALUK.
3. PADMANABHAN,
S/O.KUNJAN, PAKKATTU HOUSE,
KUTTAMPUZHA VILLAGE, MAMALAKANDAM KARA,
KOTHAMANGALAM TALUK.

BY ADV. SRI.P.M.HABEEB

RESPONDENT:

**STATE OF KERALA, REPRESENTED BY
STATION HOUSE OFFICER,
KUTTAMPUZHA POLICE STATION,
THROUGH PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**

BY PUBLIC PROSECUTOR SMT.R.REMA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 03-11-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

mbr/

A. HARIPRASAD, J.

Bail Appl. No.6476 of 2015

Dated this the 3rd day of November 2015

O R D E R

Bail application filed under Sec.438 Cr.P.C.

2. Petitioners are accused nos.1 to 3 in Crime No.267 of 2015 of Kuttampuzha Police station registered for the offences punishable under Secs.294(b), 323, 324, 341 and 354 read with Sec.34 of the Indian Penal Code. Prosecution case in short is that, on 18.07.2015 at about 6.20 a.m., on account of previous enmity towards the defacto complainant, the accused persons restrained the defacto complainant and abused her. Thereafter, the 2nd accused, by using a wooden stick beat her. The 1st and 3rd accused attacked her. It is also contended that the defacto complainant's nightie was torn by the 1st accused.

3. Heard the learned counsel for the petitioners and the learned Public Prosecutor.

4. Learned counsel for the petitioners submitted that there are disputes between the petitioners and the

defacto complainant in connection with a pathway. Further, in the incident, a counter case has also been registered as Crime No.268 of 2015 of the same Police station.

Considering the nature of allegations, I am of the view that custodial interrogation of the petitioners is not necessary for effective investigation. Hence, the following directions are issued.

1. The petitioners shall surrender before the investigating officer within a period of one week and submit themselves for interrogation.

2. In the event of arrest, the petitioners shall be released on their executing a bond for Rs.25,000/- (Rupees twenty five thousand only) each with two solvent sureties each for the like sum to the satisfaction of the investigating officer.

3. The petitioners appear before the Investigating Officer for interrogation as and when directed by him in writing.

4. The petitioners shall not intimidate or attempt to influence the witnesses, nor shall they tamper with the evidence.

In case of violation of any of the above conditions, the learned Magistrate is empowered to cancel the bail in accordance with law without referring the matter to this Court.

Sd/-
A. HARIPRASAD
JUDGE

/ True Copy /

NS/03/11/2015

P.A. To Judge