

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. 6522 of 2015

CRIME NO. 1492/2015 OF NEMOM POLICE STATION, THIRUVANANTHAPURAM
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PETITIONER(S)/ACCUSED:

1. SUJITH,
S/O.SUGUNAN, NEDINJIL VALIYAVILA VEEDU, KAKKAMoola,
KALLIYOOR P.O., KALLIYOOR VILLAGE, NEYYATTINKARA TALUK,
THIRUVANANTHAPURAM DISTRICT.
2. JAYAN @ JAYAKUMAR, S/O.GOPLAN NADAR, POTTAVILA VEEDU,
T HETTIVILA, KALLIYOOR VILLAGE, NEYYATTINKARA TALUK,
THIRUVANANTHAPURAM DISTRICT.
3. ABHILASH,
S/O.SANAL KUMAR, VISHNU SADANAM, PUNNAVILA,
KALLIYOOR VILLAGE, NEYYATTINKARA TALUK,
THIRUVANANTHAPURAM DISTRICT.

BY ADV. SRI.RAJESH P.NAIR

RESPONDENT(S)/COMPLAINANT:

1. STATE OF KERALA,
REP. BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM - 682 031.
2. THE SUB INSPECTOR OF POLICE,
NEMOM POLICE STATION, NEMOM, THIRUVANTHAPURAM - 695 001.

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:**

msv/

A.HARIPRASAD, J.

B.A. No.6522 of 2015

Dated this the 3rd day of November, 2015

ORDER

Application under Section 438 of the Code of Criminal Procedure.

2. Accused 1 to 3 in Nemom Police Station Crime No.1492 of 2015 registered for offences punishable under Sections 354 and 326 read with Section 34 of the Indian Penal Code are the petitioners. They seek pre-arrest bail.

3. Prosecution case is that on 31.08.2015 at about 9.00 p.m., the accused persons attacked the defacto complainant, a lady, and caught hold of her hair. She fell down consequent to that and the second accused beat her with wooden reaper causing fracture of her left hand.

4. Heard both sides.

5. Learned counsel for the petitioners submitted that this is a false case initiated at the instance of a retired Sub Inspector. It is the case of the petitioners that the defacto complainant was having some licentious relationship with the retired Police Officer which was questioned by them as they are close relatives. In connection with the same matter, the second

petitioner sustained injuries in a previous incident. In spite of preferring a complaint, the Police reluctantly filed a case with minor offences. The materials produced would show that the retired Police Officer inflicted injury with a chopper on the second petitioner.

6. Learned Prosecutor opposed the bail application contending that in the incident the defacto complainant sustained fracture. The medical records show that she sustained injury on account of fall and she was treated as outpatient.

Considering the entire facts and circumstances and the materials produced before me, I am inclined to grant pre-arrest bail to the petitioners with following conditions:

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.1492 of 2015 of Nemom 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 2 to 4 as if no order is passed.

A. HARIPRASAD, JUDGE.

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