

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.P.JYOTHINDRANATH

THURSDAY, THE 17TH DAY OF DECEMBER 2015/26TH AGRAHAYANA, 1937

Bail Appl..No. 6814 of 2015 ()

CRIME NO. 658/2015 OF HEMAMBIKA NAGAR POLICE STATION, PALAKKAD DISTRICT

PETITIONERS/ACCUSED :

1. PAVITHRADAS,
AGED 36 YEARS, S/O.HARIDAS,
THOTTUPURA, AKATHETHARA
PALAKKADU DISTRICT.
2. SINDHU,
AGED 34 YEARS, W/O.PAVITHRADAS,
THOTTAPURA, AKATHETHARA
PALAKKADU DISTRICT.
3. HAITHA,
AGED 17 YEARS, D/O.PAVITHRADAS,
THOTTAPURA, AKATHETHARA
PALAKKADU DISTRICT.

**BY ADVS.SRI.K.S.ARUN KUMAR
SMT.M.N.MAYA
SMT.RESMI THOMAS**

RESPONDENT/COMPLAINANT :

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

BY PUBLIC PROSECUTOR SMT. M. MADHUBEN

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 17-12-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Mn

K.P.JYOTHINDRANATH, J.

B.A.No.6814 of 2015

Dated this the 17th day of December, 2015

ORDER

This is an application filed under Section 438 of the Code of Criminal Procedure.

2. When the application came up for hearing, the learned counsel appearing for the petitioners submitted before me that, the petitioners are accused in Crime No.658/2015 of Hemambika Nagar Police Station and that, petitioner Nos.2 and 3 are the wife and daughter of the 1st petitioner. The offence alleged is under Sections 341, 353, 308, 506 (ii) r/w 34 IPC. It is the submission that the place of the incident is the house of the petitioners where they reside. After sunset, where petitioner Nos.2 and 3 who are women reside, the police entered on pretext of searching the 1st petitioner. The allegation is that petitioners blocked the same. It is the submission that on the said allegation, the crime registered.

3. The learned Public Prosecutor submitted that, there is no entry into the house. The police came only in search of the 1st petitioner who was involved in another case and the petitioner No.2 and 3 to shield the 1st accused from arrest, obstructed the official duty of the police party and thereby committed the offence. It is further submitted that, the 1st petitioner used a sword and threatened the police.

4. After hearing the submissions of the learned Public Prosecutor and also considering the fact that petitioner Nos.2 and 3 are women , I feel that their custodial interrogation is not warranted. There is no case for the prosecution that, they used any weapon and the Prosecutor got no case that there was Woman Constable in the party.

5. Thus considering the totality of the case, the anticipatory bail application for the 1st petitioner is hereby dismissed. The petitioner Nos.2 and 3 can be granted anticipatory bail on strict conditions.

1. Petitioner Nos.2 & 3 shall appear before the Investigating Officer within ten days from the date of this order. On such appearance, the Investigating Officer is at liberty to interrogate the petitioners. After such interrogation, the Investigating Officer shall grant bail to the petitioners on executing a bond for ₹25,000/- (Rupees Twenty thousand only) each with two solvent sureties each for the like sum to the satisfaction of the officer concerned.

2. After release on bail, the petitioners shall appear before the Hemambika Nagar Police Station on all Saturdays in between 10.00 a.m and 12.00 noon for a period of two months. The Investigating Officer shall

make sure that Woman Police Constable will be available at the police station during such period.

3. The petitioners shall not commit similar offences or any other offence during the bail period.

4. The petitioners shall co-operate with the investigation.

On the above conditions, this anticipatory bail application is allowed.

Sd/-
K.P.JYOTHINDRANATH, JUDGE

AV

/True Copy/

P.A to Judge