

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

WEDNESDAY, THE 4TH DAY OF NOVEMBER 2015/13TH KARTHIKA, 1937

BAIL APPL..NO. 6842 OF 2015 ()

CRIME NO. 1406/2015 OF VALAPPATANAM POLICE STATION , KANNUR

PETITIONER(S)/ACCUSED NOS.2 TO 4 :

1. MANOHARAN, AGED 45 YEARS,
K/O OTHENAN, KANATHIL HOUSE,
AROLI P.O., PAPPINISSERI, KANNUR.
2. CHANDRAN P.V., AGED 59 YEARS,
S/O GOVINDAN, PALAKKA VALAPPIL HOUSE,
CHERUKUNNU, THAVAM P.O., KANNUR DIST.
3. PREMARAJAN K., AGED 52 YEARS,
S/O NARAYANAN, KANNAKAI HOUSE,
THALIYIL P.O., KALLIASSERI, KANNUR.

BY ADVS.SRI.SUMAN CHAKRAVARTHY
SMT.BREJITHA UNNIKRIISHNAN

RESPONDENT(S):

THE STATE OF KERALA,
REP. BY ITS PUBLIC PROSECUTOR,
HIGH COURT OF KERALA-682031.

BY PUBLIC PROSECUTOR SRI. V.S. SREEJITH

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 04-11-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

NS

A. HARIPRASAD, J.

Bail Appl. No.6842 of 2015

Dated this the 4th day of November 2015

ORDER

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

2. Petitioners are accused 2 to 4 in Crime No.1406 of 2015 of Valappattanam Police station registered for the offences punishable under Secs.454, 380 and 461 read with Sec.34 of the Indian Penal Code. The 1st accused is the husband of the defacto complainant. It is submitted by the learned counsel for the petitioners that there are many number of litigations pending between husband and wife. The 1st petitioner herein is the brother of the 1st accused. Other petitioners are brothers in law of the 1st accused. Prosecution allegation is that, 24.09.2015, the accused persons trespassed into the house of the defacto complainant, broken open the door and took away gold ornaments, LCD T.V. and other valuable furnitures.

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

4. A complainant was filed before the S.P.,

Kannur on 28.09.2015 and that was forwarded to the concerned Police station. A crime has been registered thereafter.

5. Learned counsel for the petitioner submitted that the marital discord has given rise to various complaints between husband and wife and the petitioners are falsely implicated in this case.

6. Learned Public Prosecutor contended that the matter is at the initial stage of investigation.

Considering the nature of allegations, I am of the view that pre arrest bail can be granted to the petitioners with the following conditions.

1. The petitioners shall surrender before the investigating officer within a period of two weeks 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 shall 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/04/11/2015

P.A. To Judge