

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

FRIDAY, THE 4TH DAY OF DECEMBER 2015/13TH AGRAHAYANA, 1937

Bail Appl..No. 7027 of 2015 ()

**CRIME NO. 1435/2015 OF NEYYATTINKARA POLICE STATION,
THIRUVANANDAPURAM DISTRICT**

PETITIONERS/ACCUSED :

- 1. ANIL, AGED 35 YEARS,S/O.MANIYAN,
VALIAMANGULAM MELE PUTHEN VEEDU,
THIRUPURAM, NEYYATTINKARA,
THIRUVANANTHAPURAM DISTRICT.**
- 2. SREEJA, AGED 34 YEARS, W/O.BIJU,
KARAKKATTUVILA PUTHEN VEEDU, KARIPRAKONAM,
PERUMPAZHUTHOOR, NEYYATTINKARA,
THIRUVANANTHAPURAM DISTRICT.**
- 3. SHEEJA, AGED 33 YEARS,W/O.ANIL,
VALIAMANGULAM MELE PUTHEN VEEDU,
THIRUPURAM, NEYYATTINKARA
THIRUVANANTHAPURAM DISTRICT.**
- 4. GOMATHY, AGED 60 YEARS, W/O.THANKAPPAN,
KAVALAKULAM, THOPPUVILA VEEDU,
KODANGAVILA, NEYYATTINKARA
THIRUVANANTHAPURAM DISTRICT.**

BY ADV. SRI.C.K.MOHANAN

RESPONDENT/COMPLAINANT :

**STATE OF KERALA
THOURGH THE SUB INSPECTOR OF POLICE
NEYYATTINKARA POLICE STATION
THIRUVANANTHAPURAM DISTRICT
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM-683 031.**

BY PUBLIC PROSECUTOR SMT.T.Y. LALIZA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 04-12-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

bp

A.HARIPRASAD, J.

B.A.No.7027 of 2015

Dated this the 4th day of December, 2015

ORDER

Application filed under Section 438 of the Code of Criminal Procedure.

2. Petitioners are accused in Crime No.1435 of 2015 of Neyyattinkara Police Station registered for the offences punishable under Sections 143, 147, 148, 452, 354, 379, 506(ii), 323, 324, 427 & 294(b) r/w Section 149 of the Indian Penal Code. Petitioners are accused Nos.1, 3, 5 and 4 respectively.

3. Learned Public Prosecutor submitted that 5th accused (3rd petitioner) has already been arrested and released on bail. Therefore, her bail application stands dismissed. Remaining petitioners apprehend arrest in the above crime.

4. According to the learned counsel for the petitioners, petitioners are relatives of the defacto complainant and there was a scuffle. A counter case is also registered in connection with the incident.

5. Heard both sides.

6. Considering the nature of the allegations, I am inclined to grant anticipatory bail to the petitioners with the following conditions:

- (a) The petitioners shall surrender before the Investigating Officer within a period of 'two weeks' from today and submit themselves for interrogation. Thereafter, they shall be released on bail on executing a bond for ₹25,000/- (Rupees twenty five thousand only) each with two solvent sureties each for the like sum to the satisfaction of the Investigating Officer.
- (b) The petitioners shall appear before the Investigating Officer on all Saturdays between 10.00 a.m and 11.00 a.m. until the final report is filed.
- (c) The petitioners shall co-operate with the investigation of the case.
- (d) The petitioners shall not intimidate or

attempt to influence the witnesses.

- (e) The petitioners shall not in any manner interfere or meddle with the investigation.
- (f) The petitioners shall not, during the period of this bail get involved in any offence.

In case any of the above conditions is violated, bail granted hereby is liable to be cancelled for which the investigating officer may move application before the jurisdictional magistrate.

Sd/-
A.HARIPRASAD, JUDGE.

AS

/True Copy/

P.A. To Judge

A.HARIPRASAD, J.

B.A.No.7027 of 2015

Dated this the 13th day of November, 2015

O R D E R

Heard the learned counsel for the petitioners.

2. The grievance of the counsel is that the 3rd petitioner, a lady involved in offences punishable under Sections 143, 147, 148, 452, 354, 379, 506(ii), 323, 324, 427 & 294(b) r/w Section 149 of the Indian Penal Code is arrested after filing the application.

3. She was arrested by the Police on 11.11.2015 and produced before the Judicial First Class Magistrate Court-I, Neyyattinkara. It is also submitted that the learned Magistrate remanded the 3rd petitioner (5th accused) to custody only for the reason that she along with other accused preferred an anticipatory bail application before this Court. I am of definite view that no court shall take the filing of an anticipatory bail application as a reason for remanding an accused, if there is no other

legal ground existing for a remand. The court below is directed to look into this allegation and pass appropriate orders, considering the provisions in Section 437 of the Code of Criminal Procedure in report of women.

The order shall be communicated to the Magistrate forthwith.

The learned Public Prosecutor shall get instructions on Tuesday.

A.HARIPRASAD, JUDGE.

AS