

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

WEDNESDAY, THE 25TH DAY OF NOVEMBER 2015/4TH AGRAHAYANA, 1937

Bail Appl..No. 7164 of 2015

CRIME NO. 1284/2015 OF MALA POLICE STATION, THRISSUR DISTRICT.

PETITIONER(S)/ACCUSED NOS. 1 AND 2:

- 1. VIBIN, AGED 29, S/O.PAYYAPPILLY BABY,
POOVATHUSSERY DESOM,
KALLUR THEKUMURY VILLAGE,
CHALAKUDY TALUK.**
- 2. BABY, AGED 60, S/O.DEVASSY,
PAYYAPPILLY BABY, POOVATHUSSERY DESOM,
KALLUR THEKUMURY VILLAGE, CHALAKUDY TALUK.**

BY ADV. SRI.G.SREEKUMAR (CHELUR)

RESPONDENT/STATE OF KERALA:

**THE STATE OF KERALA,
REP. BY THE SUB INSPECTOR OF POLICE,
MALA POLICE STATION,
THROUGH THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682 031.**

BY PUBLIC PROSECUTOR SMT.R.REMA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 25-11-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

mbr/

A. HARIPRASAD, J.

Bail Appl. No.7164 of 2015

Dated this the 25th day of November 2015

O R D E R

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

2. Petitioners are accused nos.1 and 2 in Crime No.1284 of 2015 of Mala Police station registered for the offences punishable under Secs.323, 324, 354, 452, 294(b) and 506(ii) read with Sec.34 of the Indian Penal Code. Prosecution case in short is that at 11.00 o' clock on 31.10.2015 the petitioners attacked the defacto complainant with a knife and threatened that she would be killed. She sustained injuries in the incident. It is also alleged that the accused outraged modesty of the defacto complainant.

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

4. Learned counsel for the petitioners submitted that the defacto complainant and the petitioners have already engaged in a civil dispute. Annexure-2 is the material produced to show that they are involved in a civil litigation. The dispute appears to be

in respect of a path way. The 1st petitioner is getting married on 29.11.2015 and his engagement was on 14.11.2015. It is contended that in order to create an unpleasant situation, the defacto complainant filed a false complaint.

5. Learned Public Prosecutor submitted that the allegation regarding Sec.354 IPC is only that she was stamped by the 2nd petitioner.

Considering the nature of allegations and the relationship between the parties, pre arrest bail is 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/25/11/2015

P.A. To Judge