

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

TUESDAY, THE 8TH DAY OF DECEMBER 2015/17TH AGRAHAYANA, 1937

Bail Appl..No. 7279 of 2015

CRIME NO. 554/2015 OF VANDIPERIYAR POLICE STATION, IDUKKI DISTRICT.
.....

PETITIONER(S)/ACCUSED:

1. AYYAPPAN, AGED 38 YEARS,
S/O.R.MARIMUTHU, UPPER DIVISION ESTATE,
MANJUMALA, VANDIPERIYAR P.O. IDUKKI DISTRICT.
2. SIMON, AGED 50 YEARS, S/O.AMBROSE,
UPPER DIVISION ESTATE, MANJUMALA,
VANDIPERIYAR P.O., IDUKKI DISTRICT.
3. VELMURUGAN, AGED 34 YEARS,
S/O.R.MARIMUTHU, UPPER DIVISION ESTATE,
MANJUMALA, VANDIPERIYAR P.O. IDUKKI DISTRICT.

**BY ADVS.SRI.THOMAS ABRAHAM
SMT.MERCIAMMA MATHEW
SRI.ASWIN.P.JOHN**

RESPONDENT(S):

1. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA - 682 031..
2. SUB INSPECTOR OF POLICE,
VANDIPERIYAR POLICE STATION,
IDUKKI DISTRICT - 686 601.

BY PUBLIC PROSECUTOR SMT.T.Y.LALIZA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 08-12-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

mbr/

A.HARIPRASAD, J.

B.A. No.7279 of 2015

Dated this the 8th day of December, 2015

ORDER

Application under Section 438 of the Code of Criminal Procedure.

2. Accused 1 to 3 in Crime No.554 of 2015 of Vandiperiyar Police Station registered for offences punishable under Sections 354, 294(b), 324, 452 and 323 read with Section 34 of the Indian Penal Code. They seek pre-arrest bail.

3. Prosecution case is that on 09.11.2015 at about 5.00 p.m. accused persons attacked the defacto complainant, a lady aged 47 years, and tore her nighty in the melee. It is also alleged that the defacto complainant was assaulted mercilessly.

4. Heard both sides.

5. Learned Prosecutor submitted that offence under Section 452 of the Indian Penal Code has been deleted subsequently. Therefore the only non-bailable offence is under Section 354 of the Indian Penal Code.

After hearing the learned counsel for the petitioners and the learned Prosecutor, I am of the view that custodial interrogation of the petitioners may not be necessary in this case. However, the weapons allegedly used will have to be recovered. Hence the following order:

i. Petitioners shall surrender before the investigating officer within a period of two weeks 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.554 of 2015 of Vandiperiyar 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 on all Saturdays between 10.00 and 11.00 a.m. until final report is filed.

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 as if no order is passed.

A. HARIPRASAD, JUDGE.

cks