

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE BABU MATHEW P.JOSEPH

FRIDAY, THE 29TH DAY OF MAY 2015/8TH JYAISHTA, 1937

Bail Appl.No. 7311 of 2014

CRIME NO. 254/2014 OF KOLLAM EAST POLICE STATION, KOLLAM

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PETITIONER(S)/ACCUSED 1-3:

1. VIJU, AGED 33 YEARS,
S/O.CHANDRAN, VEERAKATH VEEDU, THAMARAKKULAM,
KOLLAM EAST VILLAGE, KOLLAM DISTRICT.
2. SREEJA, AGED 36 YEARS,
D/O.CHANDRAN, SREEPADAM, TRRA 59,
THAMARAKKULAM, KOLLAM EAST VILLAGE, KOLLAM DISTRICT.
3. SIVAPRASAD, AGED 41 YEARS,
S/O.MURUGANANDAN PILLAI, SREEPADAM, TRRA 59,
THAMARAKKULAM, KOLLAM EAST VILLAGEM, KOLLAM DISTRICT.

**BY ADVS.SRI.BECHU KURIAN THOMAS
SRI.S.SREEDEV
SRI.RONY JOSE**

RESPONDENT(S)/COMPLAINANT:

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

BY PUBLIC PROSECUTOR SRI.GITHESH R.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
29-05-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

msv/

BABU MATHEW P. JOSEPH, J.

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B.A.No.7311 of 2014

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Dated this the 29th day of May, 2015

ORDER

This petition is filed under Section 438 of Cr.P.C. for anticipatory bail.

2. Heard the learned counsel appearing for the petitioners and the learned Public Prosecutor appearing for the respondent. C.D. produced.

3. The petitioners are accused 1 to 3 in Crime No.254 of 2014 of Kollam East Police Station. The offences alleged are under Sections 294(b), 323 and 324 read with Section 34 of the Indian Penal Code and under Section 3(1)(x) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989. Learned counsel for the petitioners submits that the petitioners are innocent of the allegations raised against them. They have no criminal antecedents. The investigation of the case is almost over. The custodial interrogation of the petitioners is not required in this

case. He further submits that the petitioners apprehend arrest by the police at any time.

4. The Case Diary shows that the investigation of the case has progressed much. Learned Public Prosecutor submits that no criminal antecedents have been reported against the petitioners. All the offences, except the offence under Section 3(1)(x) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, alleged against the petitioners are bailable. In the circumstances, it is open to the petitioners to surrender before the Jurisdictional Magistrate and seek regular bail as held by this Court in **Shanu v. State of Kerala [2000 (3) KLT 452]** and subsequent decisions.

5. Therefore, this bail application is disposed of as under:

The petitioners shall surrender before the Jurisdictional Magistrate within two weeks from today and seek regular bail with intimation to the Assistant Public Prosecutor concerned at least three working days in

advance. In case, such application is preferred by the petitioners, the learned Magistrate shall pass appropriate orders on the application in the light of the decision in **Shanu v. State of Kerala** (Supra) and subsequent decisions of this Court as early as possible.

This Bail Application is disposed of as above.

Sd/-

BABU MATHEW P. JOSEPH
JUDGE

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P.A. TO JUDGE