

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. 7635 of 2015 ()

CRIME NO. 543/2015 OF CHALISSERY POLICE STATION , PALAKKAD DISTRICT

APPLICANT(S)/ACCUSED NOS.1 TO 4:

- 1. MOIDUTTY ALIAS KUNHAN, AGED 56 YEARS,
S/O.MUHAMMED HAJI, MUMBROTT HOUSE, KAPPUR,
KANHIRATHANI.**
- 2. SHAMEER V.V., AGED 24 YEARS,
S/O.MUHAMMED, VARIYATH, VALAPPIL HOUSE,
ERAVANGAD POST, KOLATHUR.**
- 3. FAISAL, AGED 25 YEARS, S/O.MAJEED,
KALAMPARAMBIL HOUSE, ERUVANGAD POST.**
- 4. RANJITH P.P., AGED 24 YEARS,S/O.RAJAN,
PULLANI PARAMBIL HOUSE, ERAVANAGAD,
KOLATHUR.**

**BY SRI.P.VIJAYA BHANU,SENIOR ADVOCATE
ADVS. SRI.V.C.SARATH
SMT.MITHA SUDHINDRAN**

RESPONDENT/COMPLAINANT:

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

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:**

sts

A. HARIPRASAD, J.

Bail Appl. No.7635 of 2015

Dated this the 8th day of December 2015

O R D E R

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

2. Petitioners are accused nos.1 to 4 in Crime No.543 of 2015 of Chaliserry Police station registered for the offences punishable under Secs.341, 323, 324, 427 and 452 read with Sec.34 of the Indian Penal Code. Prosecution allegation is that, on 09.11.2015 at about 2.15 a.m., the accused persons, in furtherance of their common intention, trespassed into the house of the defacto complainant and assaulted her and her husband. The 2nd accused beat the defacto complainant with an iron rod. They destroyed window frames and caused damages to the tune of Rs.10,000/- (Rupees ten thousand only).

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

4. Learned Public Prosecutor opposed the bail

application.

Considering the fact that Sec.452 is the only non bailable offence and the 1st accused is related to the defacto complainant, 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 deposit Rs.2,500/- (Rupees two thousand five hundred only) each

before the learned Magistrate having jurisdiction within a period of one week from the date of execution of the bond.

5. 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/08/12/2015

P.A. To Judge