

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

WEDNESDAY, THE 1ST DAY OF APRIL 2015/11TH CHAITHRA, 1937

Bail Appl..No. 7813 of 2014

CRIME NO.780/2014 OF PONNANI POLICE STATION MALAPPURAM DISTRICT.

PETITIONER/ACCUSED:

**IBRAHIM KUTTY,
S/O.KUNCHASSAN KUTTY, AGED 43 YEARS,
PARAKKUNATH HOUSE, LOVELY CORNER,
MUTHUR, VATTAMKULAM, PONNANI TALUK,
MALAPPURAM DISTRICT.**

**BY ADVS.SRI.S.AJITH (PALAKKAD)
SRI.P.SHAHEEN**

RESPONDENT/STATE:

**STATE OF KERALA,
THROUGH THE SUB-INSPECTOR OF POLICE,
PONNANI POLICE STATION, MALAPPURAM DISTRICT,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**

BY PUBLIC PROSECUTOR SMT.LALIZA.T.Y

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 01-04-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

mbr/

B.KEMAL PASHA, J.

B.A.No.7813 of 2014

Dated this the 1st day of April 2015

ORDER

Petition under Section 438 Cr.P.C.

2. Petitioner is the accused in Crime No.780/2014 of Ponnani police station, Malappuram district registered for the offences punishable under Sections 452, 354, 294(b), 341 and 324 of the I.P.C.

3. The allegation against the petitioner is that on 10.9.2014 at 12.30 p.m., they committed trespass into the house of the *defacto complainant* woman and hit her husband with an iron ring, thereby causing injuries to her husband. When she intervened for his rescue, she was beaten up with a chair.

4. Heard learned counsel for the petitioner and learned Public Prosecutor.

5. According to the learned counsel for the petitioner, on the same day, the husband of the *defacto complainant* and her son committed house trespass into the house of the petitioner, and beat the petitioner. Anticipating actions in the matter, the *defacto complainant* has preferred a false complaint before the police, it is argued. No criminal antecedents have been reported against the petitioner. This is not a case wherein the custodial interrogation of the petitioner is required for the continued investigation of the case. Considering the facts and circumstances of the case and the facts narrated by the learned counsel for the petitioner, I am of the view that anticipatory bail can be granted to the petitioner.

6. In the result, this bail application is allowed and the investigating officer or such other police officer, who is conducting the arrest of the petitioner, is directed to enlarge the petitioner on bail in the event of his arrest on his executing a bond for ₹25,000/- (Rupees twenty five thousand only) with two solvent sureties each for the like sum to the satisfaction of the officer conducting arrest,

and subject to the following terms and conditions:-

(i) The petitioner shall report before the investigating officer in between 9 a.m. and 11 a.m. on all Wednesdays and Saturdays commencing from 8.4.2015 for a period of three months or till the filing of the final report in this case, whichever is earlier.

(ii) The petitioner shall not tamper with the evidence or influence witnesses.

(iii) The petitioner shall make himself available for interrogation as and when required by the investigating officer.

(iv) The petitioner shall not involve in any offence while on bail.

It is made clear that the violation of any of the conditions stipulated above will result in the cancellation of bail.

Sd/-
B.KEMAL PASHA,
JUDGE

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PA to Judge