

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.BHAVADASAN

WEDNESDAY, THE 23RD DAY OF DECEMBER 2015/2ND POUSHA, 1937

Bail Appl..No. 7906 of 2015

CRIME NO. 1888/2015 OF NEDUMANGAD POLICE STATION ,
THIRUVANANDAPURAM

PETITIONER(S)/ACCUSED :

1. VIJAYAMOHANAN NAIR, AGED 59 YEARS,
S/O. BHASKARA PILLAI, THIRUVONAM VEEDU,
NAGCHERI, ANADU MURI, ANADU VILLAGE,
THIRUVANANTHAPURAM.
2. INDIRABHAI AMMA AGED 56 YEARS,
W/O. VIJAYAMOHANAN NAIR, THIRUVONAM VEEDU,
NAGCHERI ANADU MURI, ANADU VILLAGE,
THIRUVANANTHAPURAM.

BY ADVS. SMT.M.SANTHI (K/868/2011)
SRI.G.RANJU MOHAN

RESPONDENT(S)/STATE :

STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682 031.

BY PUBLIC PROSECUTOR SRI. V. S. SREEJITH

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
23-12-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

P. BHAVADASAN, J.

B.A. No. 7906 of 2015

Dated this the 23rd day of December, 2015.

ORDER

This is a petition filed under Section 438 of the Code of Criminal Procedure seeking anticipatory bail

2. The petitioners are a couple and they are accused of having committed offences punishable under Sections 294(b), 323, 354 read with Section 34 of Indian Penal Code.

3. The petitioners would say that when the defacto complainant entered into the property of the petitioners to replace the stone in the boundary, the first petitioner abused her in filthy language and slapped on her left cheek and pulled her left shoulder and the second petitioner abused her in filthy language. The petitioners point out that Section 354 has been deliberately included to see that the petitioners have been denied bail.

4. Learned Public Prosecutor opposed the petition by pointing out that the matter is serious.

5. After having heard learned counsel for the petitioners and the learned Public Prosecutor, and after having perused the records, it is felt that there seems to be some substance in what the petitioners say and this is a fit case where the extraordinary jurisdiction needs to be exercised in favour of the petitioners.

Therefore, this application is allowed on the following conditions:

- i) Petitioners shall surrender before the Investigating Officer on or before 14.01.2016, who, after interrogation, shall produce them before the court concerned, which court, on application for bail being moved by the petitioners, shall release them on bail on each of them executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two

solvent sureties for the like sum each to the satisfaction of the said court.

ii) Petitioners shall report before the Investigating Officer on alternate Fridays between 9 a.m. and 11 a.m. until further orders.

iii) If any of the conditions is violated, bail granted to the petitioners shall stand cancelled, and the court concerned may take such steps as are available in law.

**P. BHAVADASAN,
JUDGE**

sb.