

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.P.JYOTHINDRANATH

FRIDAY, THE 18TH DAY OF DECEMBER 2015/27TH AGRAHAYANA, 1937

Bail Appl..No. 7914 of 2015 ()

CRIME NO. 1592/2015 OF KAREELAKULANGARA POLICE STATION, ALAPPUZHA

PETITIONERS/ACCUSED 1 & 2 :

- 1. REGHU, 45 YEARS OF AGE
S/O.KESAVAN, ARUVIPPURAM, EVOOR-SOUTH
PATHIYOOR VILLAGE, KARTHIKAPPALLY TALUK
ALAPPUZHA DISTRICT.**
- 2. UDAYAKUMARI, 37 YEARS OF AGE
D/O.SUMATHI, VALYKKAKATHU, EVOOR SOUTH
KEERIKKAD, PATHIYOOR VILLAGE,
ALAPPUZHA DISTRICT.**

**BY ADVS.SRI.SHIRAZ ABDULLA
SRI.JOJO PAPPACHAN**

RESPONDENT :

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

BY PUBLIC PROSECUTOR SMT. MADHUBEN M.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 18-12-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Mn

K.P.JYOTHINDRANATH, J.

B.A.No.7914 OF 2015

Dated this the 18th day of December , 2015

ORDER

This is an application filed under Section 438 of the Code of Criminal Procedure, 1973. The case of the petitioners is that the petitioners are falsely implicated in the crime. It is alleged that the defacto complainant is none other than the husband of petitioner No.2 herein.

2. When the bail application came up for hearing, the learned counsel for the petitioner submitted before me that no stretch of imagination can say that an offence under Section 452 of IPC will lie . It is the submission that as per the prosecution case itself, petitioner No.2 is residing at the alleged house. It is the further case of the prosecution that a person who is residing therein opened the door and allowed the first petitioner to enter into the house and thereon he assaulted. The only non bailable offence is under Section 452 of IPC.

3. After considering the totality of the case and after hearing

the learned counsel for the petitioners, the following order passed :

1) The petitioners shall appear before the Investigating Officer within ten days of this order. On such appearance, the Investigating Officer is at liberty to interrogate the petitioners. After interrogation, if the police officer feels that arrest is necessary, he is at liberty to arrest the petitioners. Thereafter, the petitioners shall be released on bail on executing a bond for Rs.25,000/- each with two solvent sureties each for the like amount to the satisfaction of the officer concerned.

2) After release on bail, the petitioners shall appear before the Investigating Officer on all Saturdays in between 10 a.m. and 12 noon for a period of one month.

3) The petitioners shall not commit similar offences during the bail period.

4) The petitioners shall not influence or intimidate the witnesses.

On the above conditions, this anticipatory bail application is allowed.

K.P.JYOTHINDRANATH
JUDGE