

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.RAMAKRISHNAN

TUESDAY, THE 22ND DAY OF DECEMBER 2015/1ST POUSHA, 1937

Bail Appl..No. 8099 of 2015 ()

IN CRIME NO.1671/2015 OF KAREELAKULANGARA POLICE STATION,
ALAPPUZHA.

PETITIONER(S)/ACCUSED 1 TO 4:

1. SREEKUTTAN, AGED 24 YEARS,
S/O. SREEKUMAR, SREEBHAVANAM, NADAKKAVU,
PERINGALA P.O., KAYAMKULAM.

2. SARATH, AGED 24 YEARS,
S/O. SASIDHARAN PILLAI, KARUVELIL THARAYIL, NADAKKAVU,
PERINGALA P.O., KAYAMKULAM.

3. PODIMON @ SREEJITH, AGED 27 YEARS,
S/O. MOHANAN PILLAI, PONNAMMABHAVANAM, MENAMPALLY,
PATHIYOOR P.O., ALAPPUZHA.

4. UNNI @ AKHILBALU, AGED 21 YEARS,
PALAKKAL VEEDU, MEENAMPALLY, PATHIYOOR P.O.,
ALAPPUZHA.

BY ADV. SRI.AJAYAKUMAR. G

RESPONDENT(S)/STATE/COMPLAINANT:

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

2. SUB INSPECTOR OF POLICE,
KAREELAKULANGARA POLICE STATION,
ALAPPUZHA - 690 572.

BY PUBLIC PROSECUTOR MS.R.REMA

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
22-12-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K. RAMAKRISHNAN, J.

Bail Application No.8099 of 2015

Dated this the 22nd day of December, 2015

O R D E R

This is an application for anticipatory bail filed by accused Nos. 1 to 4 in Crime No.1671/2015 of Kareelakulangara police station, under Section 438 of the Code of Criminal Procedure.

2. The case of the prosecution in nut shell was that, on 06.12.2015, the accused persons criminally trespassed into the house of the defacto-complainant and caused damage to the motor bike of the defacto-complainant and when he intervened, they manhandled him and also caused damage to the tune of ₹15,000/- and attempted to outrage the modesty of his sister and sister-in-law and thereby they have committed the offence punishable under Section 323, 324, 452, 354, 427 read with Section 34 of the Indian Penal Code.

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

4. The counsel for the petitioner submitted that, there was some money transaction between the son-in-law of the defacto-complainant and the first accused and there was some altercation of words occurred and except that no other incident occurred and they have been falsely implicated in the case.

5. The application was opposed by the Public Prosecutor.

6. Going through the allegations in the statement, this court feels that it is not a fit case to invoke the extra ordinary power under Section 438 of the Code of Criminal Procedure to grant anticipatory bail. If the petitioners surrenders before the investigating officer within two weeks from today, after interrogation, if the investigating officer feels that their arrest is required, then after recording arrest, produce them before the concerned

magistrate court without delay and on such production, if the petitioners move regular bail, then the learned magistrate is directed to consider and dispose of the bail application as far as possible on the date of filing of the application itself, after hearing the Assistant Public Prosecutor of that court strictly in accordance with law.

With the above direction and observation, the bail application is dismissed.

Sd/-
K. Ramakrishnan, Judge

//True Copy//

P.A. to Judge

SS