

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

WEDNESDAY, THE 25TH DAY OF FEBRUARY 2015/6TH PHALGUNA, 1936

Bail Appl..No. 8445 of 2014

CRIME NO. 772/2014 OF COYALMANNAM POLICE STATION , PALAKKAD DISTRICT

PETITIONER(S)/ACCUSED :

- 1. SREEKRISHNAN, AGED 52 YEARS,
S/O.ARUMUGHAN PILLA, KONKALATHU KALAM,
CHERUTHAPPALLOOR, THENKURISSI, PALAKKAD.**
- 2. PRABHUKUMAR, AGED 35 YEARS,
S/O.KUMARESAN PILLA, KONKALATHU KALAM,
CHERUTHAPPALLOOR, THENKURISSI, PALAKKAD.**

**BY ADVS.SRI.SAJAN VARGHEESE K.
SRI.LIJU. M.P**

RESPONDENT(S)/COMPLAINANT :

**STATE OF KERALA,
REPRESENTED BY THE STATION HOUSE OFFICER,
COYALMANNAM POLICE STATION, PALAKKAD DISTRICT,
THROUGH THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.**

BY PUBLIC PROSECUTOR SMT.LALIZA.T.Y

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 25-02-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Msd.

B.KEMAL PASHA, J.

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B.A. No.8445 of 2014

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Dated this the 25th day of February, 2015

ORDER

Petition filed under Section 438 Cr.P.C.

2. Petitioners are the accused in Crime No.772 of 2014 of the Coyalmanam Police Station, registered for the offences punishable under Sections 468, 471, 420, 506(i) and 294(b) read with Section 34 of the Indian Penal Code and Section 3(1)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

3. It has been reported that presently, the offence under Section 3(1)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 has been deleted from the crime.

4. The allegation against the petitioners is that they have offered a portion of the wetland by styling it as garden land to the Panchayat for distribution among landless people and out of the same, 3 cents of properties were allotted to the defacto complainant for putting up a building. When the defacto complainant attempted to get it mutated, that was

denied on the ground that it is a wetland.

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

6. According to the learned counsel for the petitioners, the petitioners had purchased the property in the year 2013 and they had never offered the property for sale to the Panchayat; whereas, the Panchayat had identified the property and acquired it from them, by paying the amounts. There were no direct dealings from the part of the petitioners with the defacto complainant in the matter. Considering the facts and circumstances of the case, I am of the view that this is a fit case wherein anticipatory bail can be granted to the petitioners.

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

to the following terms and conditions:-

(i) The petitioners shall report before the investigating officer in between 09.00 a.m. and 11.00 a.m. on all Wednesdays and Saturdays commencing from 04.03.2015 for a period of three months or till the filing of the final report in this case, whichever is earlier.

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

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

(iv) The petitioners 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

DSV/25/2/15

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P.A. To Judge