

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

FRIDAY, THE 23RD DAY OF JANUARY 2015/3RD MAGHA, 1936

Bail Appl..No. 9147 of 2014 ()

(CRIME NO.1229/2014 OF PULIKKEZHU POLICE STATION, PATHANAMTHITTA)

PETITIONERS/ACCUSED:

1. C.G.JAYAKUMAR,
S/O. AN GOPINATHANNAIR, AGED 33 YEARS,
CHALAKKAPARAMBIL HOUSE,
KURICHI VILLAGE, KOTTAYAM TALUK.
2. VARGHESE KURIAN,S/O.KURIAN, AGED 58 YEARS,
CHRISTHOUSE, MARAMON P.O.,
NEDUMBRAYAR, THOTTAPPUZHASSERY.

**BY ADVS.SRI.SHAJU PURUSHOTHAMAN
SRI.K.S.RAJESH**

RESPONDENT(S)/COMPLAINANTS:

1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,ERNAKULAM-682 031
2. THE DISTRICT POLICE CHIEF,
PATHANAMTHITTA DISTRICT, PIN-689 645
3. THE S.I OF POLICE,
PULIKKEZHU POLICE STATION,
PATHANAMTHITTA DISTRICT, PIN-689 645

BY PUBLIC PROSECUTOR SMT. LALIZA.T.Y.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 23-01-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

B. KEMAL PASHA, J.

.....
B.A. No.9147 of 2014
.....

Dated this the 23rd day of January, 2015

ORDER

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Petition under Section 438 Cr.P.C.

2. Petitioners are the accused in Crime No.1229/2014 of Pulikkeezhu Police Station registered for the offences punishable under Sections 294(b), 354B and 506(ii) read with Section 34 IPC.

3. The allegation against the petitioners is that, on 28.11.2014 at 11.30 a.m. they approached the *defacto complainant*, who was working at the institution named *Kairos Lake and Automobiles Engineering Works*, abused her in filthy language and pulled on the shoulder of her churidar and pulled on her hand, thereby outraging her modesty.

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

5. The learned counsel for the petitioners has pointed out that the said institution is a partnership firm of which the petitioners are also partners and there occurred a dispute among the partners which has resulted in a suit. The incident had allegedly occurred during the pendency of the suit. The *defacto complainant* is allegedly the Secretary of the other partners, who are resisting the petitioners from gaining entry to the said institution of the firm. Considering the facts and circumstances of the case and the present stage of the investigation, I do not think that the custodial interrogation of the petitioners is required for the continued investigation of this case. Matters being so, I am of the view that this is a fit case wherein anticipatory bail can be granted to the petitioners.

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 petitioners, is directed to enlarge the petitioners on bail in the event of their arrest on

each of them 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 petitioners shall report before the investigating officer in between 9 a.m. and 11 a.m. on all Fridays and Tuesdays, commencing from 30.01.2015 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)**