

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.K.MOHANAN

TUESDAY, THE 30TH DECEMBER 2008 / 9TH POUSHA 1930

Bail Appl.No. 7515 of 2008

(CRIME NO.942 OF 2008 OF KAYAMKULAM POLICE STATION)

PETITIONERS:

1. HAKKIM, THATTARUPARAMBIL HOUSE,
PALLIPPATTUMURI, THRIKUNNAPPUZHA VILLAGE.
2. KUNJUMOL, THATTARUPARAMBIL HOUSE,
PALLIPPATTUMURI, THRIKKUNNAPPUZHA VILLAGE.
3. NASEERA, THATTARUPARAMBIL HOUSE,
PALLIPPATTUMURI, THRIKKUNNAPPUZHA VILLAGE.
4. SHAJI, THATTARUPARAMBIL HOUSE,
PALLIPPATTUMURI, THRIKKUNNAPPUZHA VILLAGE.

BY ADV. SRI.GEORGE VARGHESE(PERUMPALLIKUTTIYIL)
SRI.A.R.DILEEP
SMT.SURYA SASI

RESPONDENTS:

1. STATE OF KERALA, REPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.
2. SUB INSPECTOR OF POLICE, KAYAMKULAM.

BY PUBLIC PROSECUTOR SRI.K.S.SIVAKUMAR.

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 30/12/2008, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

V. K.MOHANAN, J.

Bail Application No. 7515 of 2008

Dated this the 30th day of December, 2008.

ORDER

Petitioners are accused in Crime No.942 of 2008 of Kayamkulam Police Station for the offences punishable under Sections 498A, 294(b), 341, 506, 323 read with Section 34 of the Indian Penal Code. The main allegation against the petitioners is that on 15.11.2008 at about 8.45 p.m., while the de facto complainant was proceeding in a car after returning from the Thrikkunnappuzha Police Station, the accused intercepted the de facto complainant, pulled her out from the car by calling obscene words and assaulted her causing injury to her. Learned counsel for the petitioners submits that the de facto complainant is residing with some other persons and hence, they are innocent.

2. Learned Public Prosecutor, opposing the petition for anticipatory bail, submits that the complaint was filed before the Police Station by the first petitioner who is the husband of the de facto complainant in the present case and when the de facto complainant refused to go along with the first accused, she was chased and intercepted and the first accused caused injury to her. Going by the records, it appears to me that the main allegations are

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against the first and fourth petitioners. The petitioner Nos. 2 and 3 are ladies.

3. Considering the factual circumstances involved in the case, I am of the view that anticipatory bail can be granted to petitioners 2 and 3 who are accused 2 and 3 in the above crime. Accordingly, a direction is issued to the officer-in-charge of the Kayamkulam Police Station to release the petitioners 2 and 3 on bail for a period of one month in the event of their arrest in connection with the above case on each of them executing a bond for Rs.25,000/- (Rupees Twenty Five Thousand only) with two solvent sureties each for the like amount to the satisfaction to the said officer and subject to the following conditions:

1. Petitioners 2 and 3 shall report before the Investigating Officer between 9 a.m. and 11 a.m. on all Wednesdays.
2. Petitioners 2 and 3 shall make themselves available for interrogation as and when required by the Investigating Officer.
3. Petitioners 2 and 3 shall not influence or intimidate the prosecution witnesses nor shall they attempt to tamper with the evidence for the prosecution.
4. Petitioners 2 and 3 shall not commit any offence while on bail.
5. Petitioners 2 and 3 shall surrender before the Magistrate concerned and seek regular bail in the meanwhile.

BA.No.7515 Of 2008

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If the petitioners 2 and 3 commit breach of any of the above conditions, the bail granted to them shall be liable to be cancelled. The prayer for anticipatory bail in respect of petitioners 1 and 4 are rejected.

This application is partly allowed.

**V.K.MOHANAN,
JUDGE**

Mbs/