

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.BHAVADASAN

WEDNESDAY, THE 31ST DAY OF JULY 2013/9TH SRAVANA, 1935

Bail Appl..No. 5247 of 2013 ()

CRIME NO. 400/2013 OF KOIPURAM POLICE STATION , PATHANAMTHITTA DISTRICT

PETITIONER/ACCUSED NO.2 AND 3:-

- 1. RASHEED, AGED 29 YEARS,
S/O.SHAHUL HAMEED, PANDALAMMOOTIL HOUSE,
VALAKARA MURI, PURAMATTOM VILLAGE,
MALLAPPALLY TALUK.**
- 2. ANEESH,S/O.DAVOOD KHAN RAWTHER,AGED 30 YEARS,
KUTTIPOOVATHUMKAL HOUSE,VALAKARA MURI,
PURAMATTOM VILLAGE, MALLAPPALLY TALUK.**

**BY ADVS.SRI.D.KISHORE
SMT.MINI GOPINATH**

RESPONDENTS/STATE AND COMPLAINANT:-

- 1. STATE OF KERALA,
REPRESENTED BY ITS PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.PIN-682 031**
- 2. THE SUB INSPECTOR OF POLICE,
KOIPURAM POLICE STATION, PATHANAMTHITTA DISTRICT-689 645**

R1 & R2 BY PUBLIC PROSECUTOR SRI. ROY THOMAS

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 31-07-2013, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

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P. BHAVADASAN, J.

B.A. No. 5247 of 2013

Dated this the 31st day of July, 2013.

ORDER

Petitioners are accused Nos. 2 and 3 in Crime No.400 of 2013 of Koipuram Police Station, who are alleged to have committed offences punishable under Sections 294B, 354, 447 and 323 read with Section 34 of Indian Penal Code.

2. The allegations against the petitioners and the co-accused is that they trespassed into the house of the victim and assaulted her causing injuries to her.

3. The petitioners would say that they are innocent and have been falsely implicated with ulterior motive. It is contended that the facts are not as alleged against them. According to them, the defacto complainant is none other than the wife of the first accused. She was suspected to have extra marital relationship with another person and the husband of the victim, on detecting the same, went to the house where the

defacto complainant was staying. The petitioners are said to have accompanied him. It was the first accused who had caught hold of the defacto complainant and the petitioners would say that they had only chased the paramour of the defacto complainant.

4. Learned Public Prosecutor only pointed out that investigation is progressing.

5. At the time of hearing, it is learnt that the first accused has already been arrested and released on bail. Considering the nature of the allegations against the petitioner, it is felt that this is a fit case where the extraordinary jurisdiction needs to be exercised in favour of the petitioners.

Therefore, this application is allowed on the following conditions:

- i) Petitioners shall surrender before the Investigating Officer on or before 08.08.2013, who, after interrogation, shall produce them before the

court concerned, which court, on application for bail being moved by the petitioners, shall release them on bail on each of them executing a bond for a sum of Rs.15,000/- (Rupees Fifteen Thousand only) with two solvent sureties for the like sum each to the satisfaction of the said court.

ii) The court concerned may ensure the identity of the sureties and the veracity of the tax receipts produced by the sureties for the purpose of executing the bond.

iii) Petitioners shall appear before the Investigating Officer on every Tuesday between 9 a.m. and 11 a.m. until further orders.

iv) Petitioners shall not tamper or attempt to tamper with the evidence or influence or try to influence the witnesses.

v) If any of the conditions is violated, bail granted to the petitioners shall stand cancelled, and the court concerned may take such steps as are available to it in law.

P. BHAVADASAN,
JUDGE

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