

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

TUESDAY, THE 28TH DAY OF FEBRUARY 2017/9TH PHALGUNA, 1938

Bail Appl..No. 1138 of 2017 ()

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CRIME NO. 109/2017 OF CHELAKKARA POLICE STATION, TRISSUR

PETITIONER(S)/PETITIONERS/ACCUSED NOS. 1 TO 6:

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1. VIJILESH,  
AGED 31 YEARS, S/O.KESHAVAN,  
KALATHILKUNDU HOUSE,  
MANJAKKAL, CHERPULASERRY,  
PALAKKAD-679503.
2. KESHAVAN,  
AGED 60 YEARS,  
KALATHILKUNDU HOUSE,  
MANJAKKAL, CHERPULASERRY,  
PALAKKAD-679503.
3. SOMASUNDARAN,  
AGED 38 YEARS, S/O.KESAVAN,  
KALATHILKUNDU HOUSE,  
MANJAKKAL, CHERPULASERRY,  
PALAKKAD-679503.
4. SUBHA,  
AGED 34 YEARS, W/O.SOMASUNDARAN,  
KALATHILKUNDU HOUSE,  
MANJAKKAL, CHERPULASERRY,  
PALAKKAD-679503.
5. PRAKASHAN,  
AGED 23 YEARS, S/O.KESHAVAN,  
KALATHILKUNDU HOUSE,  
MANJAKKAL, CHERPULASERRY,  
PALAKKAD-679503.
6. MANJU,  
AGED 19 YEARS, W/O.PRAKASHAN,  
KALATHILKUNDU HOUSE,  
MANJAKKAL, CHERPULASERRY,  
PALAKKAD-679503.

BY ADVS.SRI.C.K.SREEJITH  
SRI.V.JAYESH  
SMT.NAJLA PAZHAYAKATH

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RESPONDENT(S)/RESPONDENTS/DEFACTO COMPLAINANT:  
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1. STATION HOUSE OFFICER,  
CHELAKKARA POLICE STATION,  
THRISSUR DIST.,  
REP. BY PUBLIC PROSECUTOR,  
HIGH COURT OF KERALA,  
ERNAKULAM-682031.
2. DIVYA,  
AGED 26 YEARS, D/O.VIJAYAN,  
KIZHAKKEKARAPARAMBIL,  
KILLIMANGALAM, CHELAKKARA,  
THRISSUR DIST.-680591.

R1 BY PUBLIC PROSECUTOR SRI. SAJJU S.

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON  
28-02-2017, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

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**K.ABRAHAM MATHEW, J.**

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**B.A.No.1138 of 2017**  
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**Dated this the 28<sup>th</sup> day of February, 2017**

**ORDER**

Petition filed under Section 438 Cr.P.C.

2. Petitioners are accused 1 to 6 in Crime No.109 of 2017 of Chelakkara Police Station registered for the offence under Section 498A IPC.

3. The first petitioner is the husband of the first informant. The second petitioner is his father. Petitioners 3 and 5 are his brothers and the other petitioners are his close relatives. The allegation is that they subjected the first informant to cruelty. Learned counsel submits that the allegation is false.

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

5. The prosecution has no case that the victim sustained any serious injuries. If the petitioners happen to be detained in jail the chance of restoring peace to the family will be lost. It is in the interest of the petitioners as well as the victim that peace is restored to the family. So I am inclined to grant the prayer of the petitioners.

In the result, this Bail Application is allowed.

i. The petitioners shall be released on bail after interrogation on their executing a bond for Rs.25,000/- (Rupees Twenty five thousand only) each with two solvent sureties each for the like sum if they are arrested by the Police in connection with this case.

ii. They shall not intimidate or attempt to influence the witnesses, nor shall they get themselves involved in any other criminal case.

iii. They shall surrender their passports before the lower court concerned or if they do not have one they shall file an affidavit to that effect within five days of their release.

If they surrender before the Magistrate, this order is not applicable and the learned Magistrate may pass appropriate orders.

In case of violation of any of the above conditions, the lower court concerned is empowered to cancel the bail in accordance with the law.

**K.ABRAHAM MATHEW  
JUDGE**