

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE DR. JUSTICE KAUSER EDAPPAGATH

FRIDAY, THE 30TH DAY OF APRIL 2021 / 10TH VAISAKHA, 1943

Bail Appl..No.3209 OF 2021

CRIME NO.2840/2020 OF ARYANAD POLICE STATION , THIRUVANANTHAPURAM

PETITIONERS/ACCUSED 2 & 3:

- 1 K.SAROJAM
 AGED 62 YEARS
 VALIYAVILA PUTHEN VEEDU, KULAPPADA P.O, UZHAMALAKKAL
 VILLAGE, NEDUMANGADU
 695542
- 2 SANDHINI.S
 AGED 32 YEARS
 VALIYAVILA PUTHEN VEEDU, KULAPPADA P.O, UZHAMALAKKAL
 VILLAGE, NEDUMANGADU
 695542

BY ADV. SRI.J.R.PREM NAVAZ

RESPONDENT:

STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM
682031

BY PUBLIC PROSECUTOR SMT. V. SREEJA

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
30.04.2021, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER

Dated this the 30th day of April 2021

This is an application filed u/s 438 of Code of Criminal Procedure seeking pre-arrest bail.

2. The petitioners are the accused Nos.2 & 3 in Crime No.2840/2021 of Aryanad Police Station Thiruvananthapuram. The offences alleged are under Sections 294(b), 323, 324, 326 and 308 r/w Section 34 of IPC.

3. The prosecution case in short is that on 25/12/2020, at 8.00 p.m, the petitioners, along with the first accused, with common intention assaulted the defacto complainant with an iron rod with intention to kill him and thereby committed the offence.

4. Heard both sides and perused the case diary.

5. The learned counsel for the petitioners submitted that the petitioners are absolutely innocent and they have been falsely implicated in the present case. He further submitted that there are no materials to connect the petitioners with the alleged crime and hence they are entitled to get bail. The learned Public Prosecutor opposed the bail application. She contended that the alleged incident occurred as a part of the intentional criminal acts of the petitioners and if the petitioners are released on bail at this stage, it would affect the course of investigation.

6. The petitioners are women. No serious overt act has been alleged against them. The allegation is that it was the first accused who assaulted the victim using iron rod and the petitioners beat the de facto complainant with their hand. Even though the incident was on 25/12/2020, the FIR was lodged only on 30/12/2020. Considering the allegations levelled against the petitioners, their custodial interrogation does not appear to be necessary. For all these reasons, the petitioners are entitled to pre-arrest bail on conditions.

In the result, the application is allowed on the following conditions:-

(i) The petitioners shall be released on bail in the event of their arrest on executing a bond for ₹1,00,000/- (Rupees One lakh only) each with two solvent sureties for the like sum each to the satisfaction of the arresting officer/investigating officer, as the case may be.

(ii) The petitioners shall fully co-operate with the investigation, including subjecting themselves to the deemed police custody for the purpose of discovery, if any, as and when demanded.

(iii) The petitioners shall appear before the investigating officer between 10.00 a.m and 11.00 a.m on every Saturday until further orders. The petitioners shall also appear before the investigating officer as and when required by him.

(iv) The petitioners shall not commit any offence of like nature while on bail.

(v) The petitioners shall not make any attempt to contact any of the prosecution witnesses, directly or through any other person, or any other way try to tamper with the evidence or influence any witnesses or other persons related to the investigation.

(vi) The petitioners shall not leave State of Kerala without the permission of the trial Court.

sd/-

DR. KAUSER EDAPPAGATH

JUDGE

kp

True copy

P.A. To Judge