

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MRS. JUSTICE M.R.ANITHA

THURSDAY, THE 30TH DAY OF SEPTEMBER 2021 / 8TH ASWINA, 1943

BAIL APPL. NO. 6086 OF 2021

CRIME NO.64/2021 OF ALATHUR POLICE STATION, PALAKKAD

DISTRICT

PETITIONERS/ACCUSED NOS.1 TO 5.:

- 1 GANGADHARAN,
AGED 35 YEARS
S/O. VEERAN, CHELAKKATTU KUNNU VEEDU,
CHELAKKATTU KUNNU, THARUR,
THARUR VILLAGE, PALAKKAD DISTRICT.

- 2 SACHIN @ PAVU,
AGED 20 YEARS
S/O.MANI,
CHELAKKATTU KUNNU VEEDU,
CHELAKKATTU KUNNU, THARUR,
THARUR VILLAGE, PALAKKAD DISTRICT.

- 3 SREEDHARAN,
AGED 38 YEARS
S/O. VEERAN,
CHELAKKATTU KUNNU VEEDU,
CHELAKKATTU KUNNU, THARUR,
THARUR VILLAGE, PALAKKAD DISTRICT.

- 4 KANNAN,
AGED 42 YEARS
S/O. VEERAN, CHELAKKATTU KUNNU VEEDU,
CHELAKKATTU KUNNU, THARUR, THARUR VILLAGE,
PALAKKAD DISTRICT.

- 5 RAJESH,
AGED 47 YEARS
S/O. SHYAMALAN, VALAKKARA VEEDU,
VALAKKARA, THARUR, THARUR VILLAGE,
PALAKKAD DISTRICT.

BY ADV VIVEK VENUGOPAL

RESPONDENT/STATE:

STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,
ERNAKULAM, KOCHI-682 031

BY ADV.SMT.SEETHA.S, PUBLIC PROSECUTOR

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
30.09.2021, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

ORDER

Petitioners are accused Nos.1 to 5 in crime No.64/2021 of Alathur Police Station, which is registered for the offences punishable under Sections 143, 147, 341, 323, 447, 451, 427, 294(b) and 354 r/w Section 149 IPC.

2. It is alleged that on 08.02.2021 at about 12.30 hours, under the leadership of the first accused, about 25 identifiable accused persons, who are members of the said unlawful assembly and in prosecution of the common object of the assembly, trespassed into the house of the defacto complainant out of previous enmity and abused the defacto complainant, assaulted and pulled her down. Accused also alleged to have destroyed the window glasses, plastic chairs and flower pots and caused a loss of Rs.50,000/-. Thereby committed the offences aforementioned.

2. Heard the learned counsel for the petitioners and also the learned Public Prosecutor.

3. The learned counsel for the petitioners has produced Annexure 3 copy of the letter submitted by the defacto complainant to the Station House Officer, Alathur police station,

wherein she has stated that she is not intending to prosecute the matter against the petitioners and also stated that the issues have been amicably settled. The only non-bailable offence attributed against the petitioners is Section 354 IPC.

4. The learned Public Prosecutor also admits about Annexure 3 letter of the defacto complainant to the Station House Officer. In the said circumstances, I am of the view that custodial interrogation of the petitioners is not necessary. Hence, I am inclined to grant pre-arrest bail to the petitioners on the following conditions:

- (i) The petitioners shall be released on bail on executing bond for a sum of Rs.30,000/- (Rupees thirty thousand only) each, with two solvent sureties for like sum each in the event of arrest by the police in connection with the above crime.
- (ii) The petitioners shall appear before the investigating officer for interrogation as and when required. They shall co-operate with the investigation of the case.
- (iii) The petitioners shall not directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the

court or to any police officer or tamper with the evidence.

- (iv) The petitioners shall not commit any offence while on bail.

In case of violation of any of the above conditions, the learned Magistrate is empowered to cancel the bail in accordance with the law.

The Bail Application is allowed accordingly.

Sd/-

M.R.ANITHA

JUDGE

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