
(2021) 12 KL CK 0006
In the High Court Of Kerala
Case No : Bail Appl. No. 8606 Of 2021

Saneesh Abraham

APPELLANT

Vs

State Of Kerala

RESPONDENT

Date of Decision : 01-12-2021

Acts Referred:

Indian Penal Code, 1860 — Section 34, 354, 451, 447, 506

Citation : (2021) 12 KL CK 0006

Hon'ble Judges : Gopinath P, J

Bench : Single Bench

Advocate : Saijo Hassan, Benoj C Augustin, Rafeek. V.K, U.M.Hassan, P.Parvathy, Aathira Sunny, Nazrin Hallaj, Lakshminarayan.R, Neeraja.G, Seetha .S.

Final Decision : Allowed

Judgement

Gopinath P., J

1. This is an application for anticipatory bail.
2. Petitioners are the accused in Crime No.577/2021 of Melukavu police station, Kottayam district, alleging commission of offences under Sections 354, 451, 447 and 506 r/w. Section 34 of the Indian Penal Code.
3. The allegation against the petitioners is that they trespassed into the house of the de facto complainant and pushed the de facto complainant and intimidated her stating that the daughter of the de facto complainant had not repaid certain instalments of the car loan availed from the company in which the petitioners are working.
4. Taking note of the nature of the allegations, I had directed that the de facto complainant to be impleaded as the additional respondent in the Bail Application. Though notice was taken out by special messenger to the de facto complainant, there is no appearance on the side of the de facto complainant.

5. Learned counsel appearing for the petitioners would submit that the petitioners had not committed the offences alleged against them. He submits that some among them had visited the house of the de facto complainant, seeking repayment of the overdue instalments in respect of the car loan availed by the daughter of the de facto complainant. It is submitted that some wordy altercation occurred between the de facto complainant and some among the petitioners which resulted in a complaint being lodged by the petitioners against the de facto complainant also. It is submitted that thereafter, the daughter of the de facto complainant had repaid the entire overdue instalments and the petitioners have no objection in issuing a Non Objection Certificate for erasing the hypothecation details in the Registration Certificate of the vehicle purchased by the daughter of the de facto complainant.

6. Learned Public Prosecutor, on instructions, submits that the investigation into the matter is only progressing and that a clear picture of the incident can be revealed only after investigation is completed.

7. Taking note of the allegations levelled against the petitioners and considering the totality of the facts and circumstances of the case, I am of the view that, at any rate, custodial interrogation of the petitioners is not necessary for a proper investigation into Crime No.577/2021 of Melukavu police Station. I am therefore of the opinion that anticipatory bail can be granted to the petitioners subject to strict conditions.

In the result, this application is allowed. It is directed that the petitioners shall be released on bail, in the event of arrest in crime No.577/2021 of Melukavu police Station subject to the following conditions:-

(i) Petitioners shall execute separate bonds for sums of Rs.50,000/- (Rupees fifty thousand only) each with two solvent sureties each for the like-sum to the satisfaction of the jurisdictional Court;

(ii) Petitioners shall appear before the investigating officer in Crime No.577/2021 of Melukavu Police station as and when summoned to do so;

(iii) The petitioner shall not attempt to contact the de facto complainant or interfere with the investigation or to influence or intimidate any witness in Crime No. 577/2021 of Melukavu police station;

(iv) The petitioners shall not involve in any other crime while on bail.

If any of the aforesaid conditions are violated, the investigating officer in Crime No.577/2021 of Melukavu police station may file an application before the jurisdictional Court, for cancellation of bail.