

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

TUESDAY, THE 30TH DAY OF DECEMBER 2014/9TH POUSHA, 1936

Bail Appl..No. 9122 of 2014

CRIME NO.6/2014 OF SPECIAL MOBILE SQUAD, KASARAGOD

PETITIONER(S)/ACCUSED:

**KRISHNA, AGED 37 YEARS
S/O. THUKKAPPU, KURUVAJE HOUSE, KANIYALA
BAYAR VILLAGE, KASARAGOD.**

BY ADV. SRI.T.G.RAJENDRAN

RESPONDENT(S)/COMPLAINANT/STATE:

- 1. SPECIAL MOBILE SQUAD
KASARAGOD POLICE STATON - 671 121.**
- 2. STATE OF KERALA
REP. BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA
ERNAKULAM - 682 031.**

BY PUBLIC PROSECUTOR SMT.REMA. R.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 30-12-2014,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

PJ

B.KEMAL PASHA, J.

.....
B.A. No. 9122 OF 2014

.....
Dated this the 30th day of December, 2014

ORDER

Petition filed under Section 439 Cr.P.C.

2. Petitioner is the accused in Crime No.6/2014 of the Special Mobile Squad Police Station, Kasaragod registered for the offences punishable under Sections 448 and 354 of the Indian Penal Code and Section 3(1)(xi) of the Scheduled Castes and Scheduled Tribes(Prevention of Atrocities) Act, 1989.

3. The allegation against the petitioner is that on 11.12.2014 at 8 pm, he trespassed into the sit-out of the house of the defacto complainant woman belongs to a scheduled caste, and caught hold of her hand thereby outraging her modesty. The petitioner has been in custody

for the period from 13.12.2014 onwards.

4. Heard learned counsel for the petitioner and the learned Public Prosecutor. Perused the CD.

5. No criminal antecedents have been reported against the petitioner. The contents of the CD reveal that the investigation of this case is practically over. Continued detention of the petitioner in custody is not required for the continued investigation of this case. Having regard to the period undergone by the petitioner in custody, the present stage of investigation and the absence of any criminal antecedents on his part, I am of the view that the petitioner can be enlarged on bail.

6. In the result, this Bail Application is allowed and the petitioner shall be enlarged on bail on his executing a bond for ₹1,00,000/- (Rupees one lakh only) with two solvent sureties for the like sum each to the satisfaction of the concerned Judicial First Class Magistrate's Court, and subject to the following terms and conditions:-

(i) The petitioner shall report before the Investigating Officer in between 9 a.m. and 11 a.m. on all Fridays and Tuesdays commencing from 02.01.2015 for a period of six months.

(ii) The petitioner shall not tamper with the evidence or influence witnesses.

(iii) The petitioner shall make himself available for interrogation as and when required by the Investigating Officer.

(iv) The petitioner shall not involve in any offence while on bail.

It is made clear that the violation of any of the conditions stipulated above will result in the cancellation of bail.

Sd/- B.KEMAL PASHA, JUDGE

ul/-

[True copy]

P.S. to Judge