

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

WEDNESDAY, THE 14TH DAY OF JANUARY 2015/24TH POUSHA, 1936

Bail Appl.No. 41 of 2015

CRIME NO. 1669/2014 OF POONTHURA POLICE STATION, THIRUVANANDAPURAM
.....

PETITIONER(S)/ACCUSED:

**SUGATHAN, AGED 36 YEARS,
S/O RAJU, TC 47/1290, KOCHUNADAKKAVU,
RAJANI NIVAS, POONTHURA, THIRUVANANTHAPURAM.**

BY ADV. SRI.M.SREEKUMAR

RESPONDENT(S)/STATE & COMPLAINANT:

- 1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**
- 2. THE SUB INSPECTOR OF POLICE,
POONTHURA POLICE STATION, THIRUVANANTHAPURAM.**

BY PUBLIC PROSECUTOR SMT.LALIZA T.Y.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
14-01-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

msv/

B. KEMAL PASHA, J.

.....
B.A. No.41 of 2015
.....

Dated this the 14th day of January, 2015

ORDER

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Petition under Section 438 Cr.P.C.

2. Petitioner is the accused in Crime No.1669/2014 of Poonthura Police Station registered for the offences punishable under Sections 354(A), 354(B), 354(D), 452, 458 and 506(ii) IPC.

3. The allegation against the petitioner is that on 26.10.2014 at 11 p.m., he committed house trespass into the house of the *defacto complainant* woman, caught hold of her and made sexual overtures towards her and also sexually abused her.

4. The crime has been registered on the basis of a private complaint filed by the *defacto complainant* before the Judicial First Class Magistrate's Court-II, Thiruvananthapuram, which was referred to the police under

Section 156(3) Cr.P.C. It is alleged that the petitioner had procured an 'Airtel Sim Card' by making use of his ID and had given to the *defacto complainant* and through it, they were frequently contacting each other. It is alleged that the petitioner had frequently made sexual overtures towards her over the phone also.

5. Heard learned counsel for the petitioner and learned Public Prosecutor and perused the CD.

6. The contents of the CD contains the call details in respect of the phone. It is seen that the petitioner was caught red handed from the house of the *defacto complainant*. On going through the contents of the CD, I do not think that there are elements to constitute an offence under Section 452 IPC in this case. It seems that the petitioner had frequent contacts with the *defacto complainant* woman. Considering the facts and circumstances of the case and the present stage of investigation, I do not think that the custodial interrogation of

the petitioner is required for the continued investigation of this case. Matters being so, I am of the view that this is a fit case wherein anticipatory bail can be granted to the petitioner.

7. In the result, this bail application is allowed and the investigating officer or such other police officer, who is conducting the arrest of the petitioner, is directed to enlarge the petitioner on bail in the event of his arrest on his executing a bond for ₹25,000/- (Rupees twenty five thousand only) with two solvent sureties each for the like sum to the satisfaction of the officer conducting arrest, 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 Wednesdays and Saturdays, commencing from 21.01.2015 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)**

aks/14/01

*// True Copy //*

*PA to Judge*