

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

THURSDAY, THE 12TH DAY OF FEBRUARY 2015/23RD MAGHA, 1936

Bail Appl..No. 119 of 2015 ()

CRIME NO. 2087/2014 OF PARAVOOR POLICE STATION, KOLLAM DISTRICT

PETITIONER/ACCUSED :

**SANTHOSH KUMAR B., AGED 34 YEARS
S/O.SURESH KUMAR, RESIDING AT SURESH BHAVAN, PAZIKKARA
PARAVOOR P.O., KOLLAM DISTRICT.**

BY ADV. SRI. V.A. AJIVASS

RESPONDENTS/COMPLAINANT :

**STATE OF KERALA
REPRESENTED BY THE SUB INSPECTOR OF POLICE
PARAVOOR POLICE STATION
KOLLAM DISTRICT THROUGH THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM.**

BY PUBLIC PROSECUTOR SMT. LALIZA T.Y.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 12-02-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Mn

B. KEMAL PASHA, J.

.....
B.A. No.119 2015
.....

Dated this the 12th day of February, 2015

ORDER

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Petition under Section 438 Cr.P.C.

2. Petitioner is the accused in Crime No.2087/2014 of Paravoor Police Station pending investigation for the offences punishable under Sections 342, 323, 324 and 354 IPC and Section 66 of the IT Act.

3. The *defacto complainant* had borrowed an amount of ₹10,000/- from the petitioner, who is conducting a marriage bureau at the second floor of a building. It is alleged that on one day during the month of October, 2014, at 11.30 a.m., she was called to the marriage bureau by the petitioner. He closed the door and made some sexual overtures towards her. He caught her, pushed her down and removed the pants of her churidar. He allegedly took photographs by using his mobile phone. Thereafter, on

several occasions, he used to threaten and intimidate the *defacto complainant* on the strength of the photographs and by stating that he would circulate it through the internet. Subsequently, on one day he told her that he had informed the matter to her husband. On the same day, her husband questioned her about it. Consequently, the crime has been registered.

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

5. The contents of the CD *prima facie* reveal the complicity of the petitioner. The investigation of this case is not over. The investigating officer has reported that the custodial interrogation of the petitioner is required for the continued investigation of the case. Considering the seriousness of the allegations against the petitioner and the present stage of the investigation, I am of the view that this is not a fit case wherein anticipatory bail can be granted to the petitioner.

6. The learned counsel for the petitioner seeks for an opportunity to the petitioner to surrender before the investigating officer and to co-operate with the investigation.

In the result, this Bail Application is dismissed. At the same time, if so advised, the petitioner may surrender before the investigating officer within ten days from today and in such case, the investigating officer can interrogate the petitioner, effect recovery if any, and conduct the investigation and produce the petitioner without delay before the concerned Judicial First Class Magistrate's Court, where the petitioner can move for bail. In such case, the learned Magistrate shall pass appropriate orders, preferably on the same day itself, provided advance notice on such application has been given to the Assistant Public Prosecutor also.

Sd/-  
**(B.KEMAL PASHA, JUDGE)**