

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.SUDHEENDRA KUMAR

FRIDAY, THE 26TH DAY OF JUNE 2015/5TH ASHADHA, 1937

Bail Appl..No. 258 of 2015

CRIME NO. 1978/2014 OF ANCHALUMMOODU POLICE STATION , KOLLAM

PETITIONER(S)/ACCUSED:

**ANEESH, S/O.SUKUMARAN PILLAI, AGED 30 YEARS
AVITOM, PERUMON P.O, PERINAD,
KOLLAM.**

BY ADV. SRI.ARUN BABU

RESPONDENT(S)/COMPLAINANT/STATE:

**1. KERALA STATE,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA.**

**2. THE S.I. OF POLICE,
ANCHALUMMOODU POLICE STATION-691601.**

BY PUBLIC PROSECUTOR SRI.N.SURESH.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 26-06-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

PJ

B.SUDHEENDRA KUMAR, J.

Bail Application No.258 of 2015 C

Dated this the 25th day of June 2015

O R D E R

The petitioner is the accused in Crime No.1978 of 2014 of Anchalumoodu Police Station, registered under Sections 451 and 354 of the Indian Penal Code.

2. The prosecution case is that on 08.12.2014 at about 5.30 p.m., the petitioner entered into the house of the de facto complainant under the pretext of carrying out some electrical work and thereafter, the petitioner caught hold of the de facto complainant. The dress worn by the de facto complainant was also torn by the petitioner. The de facto complainant cried aloud and on hearing her cry, the neighbours gathered there. On seeing the neighbours, the petitioner escaped from there.

3. The petitioner has filed this application under Section 438 of the Code of Criminal Procedure.

4. Heard.

5. The learned Public Prosecutor has opposed the application. It has been submitted by the learned counsel for the petitioner that the petitioner is innocent and that the petitioner has been falsely implicated in this case as the petitioner demanded an amount of Rs.14,000/-from the de facto complainant reversed the charges for the electrical work done in the house of the de facto complainant. The investigation is only at the infancy stage. Therefore, it is not possible to hold at this stage that the petitioner is innocent. The offence alleged against the petitioner is very grave in nature. Considering the nature and gravity of the allegations raised against the petitioner, an order under Section 438 Cr.P.C. in favour of the petitioner will not be justified in this case.

In the result, this application stands dismissed. However, the petitioner shall be at liberty to surrender before the Investigating Officer within ten days from today, if so advised. In the event of such surrender by the petitioner, the Investigating Officer shall produce the petitioner before the

jurisdictional Magistrate after interrogation. If the petitioner files any application for bail on his production before the jurisdictional Magistrate, the learned Magistrate shall consider and dispose of the application, in accordance with law, as expeditiously as possible.

I make it clear that this order will not be a bar for the investigating officer to file any application seeking for police custody of the petitioner.

Sd/-
B.SUDHEENDRA KUMAR,
JUDGE

AMV/25/06/

/TRUE COPY/

P.A.TO JUDGE