

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE SUNIL THOMAS

FRIDAY, THE 10TH DAY OF JULY 2015/19TH ASHADHA, 1937

Bail Appl..No. 273 of 2015 ()

CRIME NO. 1553/2014 OF PANANGAD POLICE STATION , ERNAKULAM DISTRICT

PETITIONER/ACCUSED:

**SHAJI S.G., AGED 46 YEARS,
S/O.GOPALAN, SRAMBIKKAL HOUSE, PANANGAD,
ERNAKULAM.**

**BY ADVS.SRI.MILLU DANDAPANI
SRI.PREMCHAND R.NAIR**

RESPONDENT/COMPLAINANT:

**STATE OF KERALA,
REPRESENTED BY SUB INSPECTOR OF POLICE,
PANANGAD POLICE STATION,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA.**

BY PUBLIC PROSECUTOR SMT. LISHA.M.G

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 10-07-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

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SUNIL THOMAS, J.

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B.A.No.273 of 2015

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Dated this the 10th day of July, 2015

ORDER

The petitioner is the accused who stands indicted in Crime No.1553 of 2014 of the Pananagad Police Station for offences punishable under Sections 354, 323, 294(b), 324 and 447 of the Indian Penal Code.

2. The allegation against the petitioner is that he trespassed into the house of the de facto complainant, assaulted her and her husband and thereby outraged her modesty. There is a further allegation that he inflicted an injury on the body of the husband of the de facto complainant with a small knife. On the basis of the FIS laid, crime was registered and the police is investigating. Petitioner apprehends arrest and hence, seeks pre-arrest bail.

3. Heard both sides and examined records.

4. According to the learned counsel for the petitioner, in fact, there was a scuffle in which he himself sustained minor injuries. To support this, he relied on Annexure-A medical prescription relating to he going to the hospital. There are indications that he has sustained minor injuries with pain and swelling. Evidently, the question whether he had an intention to

outrage the modesty of the lady is a fact to be discerned from all the attending circumstances. Since the entire allegation against the accused is sought to be proved through the oral testimony of the de facto complainant and her witnesses, I feel that custodial interrogation of the accused is not warranted and he can be granted bail subject to the following conditions:

(i) Applicant shall appear before the Investigating Officer on 21.07.2015 between 9 a.m. and 10 a.m., After undergoing interrogation, in the event of he being arrested, he shall be released on bail on his executing a bond for a sum of Rs.25,000/- (Rupees twenty five thousand only) with two sureties for the like sum each.

(ii) Applicant shall not interfere in the process of investigation, threaten, coerce or intimidate the witnesses.

(iii) Applicant shall co-operate with the investigation.

The application is allowed accordingly.

Sd/-

SUNIL THOMAS
Judge

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