

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

FRIDAY, THE 23RD DAY OF JANUARY 2015/3RD MAGHA, 1936

Bail Appl.No. 289 of 2015

CRIME NO. 11/2015 OF MANNARKKAD POLICE STATION, PALAKKAD
.....

PETITIONER(S)/ACCUSED:

**KRISHNAKUMAR, AGED 25 YEARS,
S/O. SEDHUMADHAVAN, KANDAMANGALATH HOUSE,
ARAKKUPARAMBU, PERINTHALMANNA, MALAPPUAM DISTRICT.**

BY ADV. SRI.BABU S. NAIR

RESPONDENT(S)/STATE & COMPLAINANT:

- 1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM, KOCHI - 682 031.**
- 2. THE SUB INSPECTOR OF POLICE,
MANNARKKAD POLICE STATION,
PALAKKAD DISTRICT - 678 582.**

BY PUBLIC PROSECUTOR SMT.LALIZA T.Y.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
23-01-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

msv/

B.KEMAL PASHA, J.

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B.A. No. 289 of 2015

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Dated this the 23rd day of January, 2015

ORDER

Petition filed under Section 438 Cr.P.C.

2. Petitioner is the accused in Crime No.11 of 2015 of the Mannarkkad Police Station, registered for the offences punishable under Sections 341, 354A, 452 and 506(i) IPC.

3. The allegation against the petitioner is that on 03.01.2015 at 3.10 p.m., he trespassed into the house of the defacto complainant woman aged 23 and caught hold of her thereby outraging her modesty.

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. It seems that the petitioner had made it sure that the husband of the defacto complainant was

not present in the house. He had visited the house for ascertaining it and then went away. After some time he again came back and has committed the aforesaid overt acts. Considering the seriousness of the allegations against the petitioner and the present stage of the investigation, I do not think that, this is 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

DSV/23/1/15

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P.A. To Judge