

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

**THE HONOURABLE MR. JUSTICE B.KEMAL PASHA**

**MONDAY, THE 23RD DAY OF FEBRUARY 2015/4TH PHALGUNA, 1936**

**Bail Appl..No. 385 of 2015**  
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**CRIME NO. 1578/2014 OF ARYANAD POLICE STATION , THIRUVANANDAPURAM**  
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**PETITIONER(S)/ACCUSED:**  
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**SHIBU, AGED 24 YEARS  
S/O.BABU, ANNOORKONAM, THADATHARIKATHU VEEDU  
PUTHUKULANGARA.P.O., UZHAMALAKKAL VILLAGE  
NEDUMANGADU.**

**BY ADV. SRI.LATHEESH SEBASTIAN**

**RESPONDENT(S)/STATE & COMPLAINANT:**  
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- 1. STATE OF KERALA  
REPRESENTED BY PUBLIC PROSECUTOR  
HIGH COURT OF KERALA, ERNAKULAM-682031.**
- 2. SUB INSPECTOR OF POLICE  
ARYANADU POLICE STATION  
THIRUVANANTHAPURAM DISTRICT-695004.**

**BY PUBLIC PROSECUTOR SMT.LALIZA T.Y.**

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 23-02-2015,  
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

**PJ**

**B.KEMAL PASHA, J.**

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B.A. No. 385 of 2015

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Dated this the 23<sup>rd</sup> day of February, 2015

**ORDER**

Petition under Section 438 Cr.P.C.

2. Petitioner is the accused in Crime No.1578/2014 of the Aryanadu Police Station, Thiruvananthapuram District, registered for the offence punishable under Section 354 IPC.

3. The allegation against the petitioner is that on 19.12.2014 at 7.30 p.m., while the de facto complainant woman was walking through the road to her house after closing her shop, the petitioner came by a motor bike and caught on the breast of the de facto complainant, thereby outraging her modesty.

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

5. The contents of the C.D. *prima facie* reveal the complicity

of the petitioner. It seems that there is *prima facie* allegation that the said act is deliberately done by the petitioner and she was caught on her breast. Considering the seriousness of the allegation against the petitioner, and the present stage of investigation, I am satisfied that the petitioner is not entitled to the discretionary relief of anticipatory bail. At the same time, in the absence of any criminal antecedents on his part, I am of the view that an opportunity can be granted 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**

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//True copy//

P.Ato Judge