

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

MONDAY, THE 16TH DAY OF FEBRUARY 2015/27TH MAGHA, 1936

Bail Appl..No. 582 of 2015

CRIME NO. 514/2014 OF PANAMARAM POLICE STATION , WAYANAD

PETITIONER(S)/ACCUSED:

**BABY @ ALEXANDER, AGED 55 YEARS
S/O.JOSEPH, KANJIRATHINKAL HOUSE, ANJANIKKUNNU
NEERVARAM P.O., WAYANAD DISTRICT.**

**BY ADVS.SRI.KRISHNA PRASAD. S
SRI. SIBY BHAGAVANDAS**

RESPONDENT(S)/COMPLAINANT:

**STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA
REPRESENTING THE S.I. OF POLICE
PANAMARAM POLICE STATION.**

BY PUBLIC PROSECUTOR SRI.SREEJITH V.S.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 16-02-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

PJ

B.KEMAL PASHA, J.

B.A. No.582 of 2015 C

Dated this the 16th day of February 2015

ORDER

Petition filed under Section 439 Cr.P.C.

2. Petitioner is the accused in Crime No.514/2014 of Panamaram Police Station registered for the offences punishable under Sections 354A of the I.P.C. and 3(1)(xi) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

3. The allegation against the petitioner is that on 8.11.2014 at 9 a.m., while the de-facto complainant woman, who belongs to a Scheduled Tribe, was performing her work under the Employment Guarantee scheme, at the coffee plantation of the petitioner, he approached her and caught hold on her private parts, thereby outraging her modesty. The petitioner has surrendered before the

court below on 24.1.2015 and thereafter, he has been in custody.

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

5. The contents of the C.D., *prima facie* reveal that the investigation is practically over. No criminal antecedents have been reported against the petitioner. Continued detention of the petitioner in custody is not required for the continued investigation of the case. Having regard to the period undergone by the petitioner in custody, the present stage of investigation and the absence of criminal antecedents on the part of the petitioner, I am satisfied that the petitioner can be enlarged on bail.

6. In the result, this Bail Application is allowed and the petitioner shall be enlarged on bail on his executing a bond for Rs.1,00,000/- (Rupees one lakh only) with two solvent sureties for the like sum each to the satisfaction of the concerned Judicial First Class Magistrate's Court, and subject to the following terms and

conditions:-

(i) The petitioner shall report before the Investigating Officer in between 9 am and 11 am on all Mondays and Thursdays, commencing from 23.2.2015 for a period of three months or till the filing of the final report in this case, whichever is earlier.

(ii) The petitioner shall not tamper with the evidence or influence witnesses.

(iii) The petitioner shall make himself available for interrogation as and when required by the Investigating Officer.

(iv) The petitioner shall not involve in any offence while on bail.

It is made clear that the violation of any of the conditions stipulated above will result in the cancellation of bail.

Sd/-
B.KEMAL PASHA,
JUDGE

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PA to Judge