

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

TUESDAY, THE 3RD DAY OF MARCH 2015/12TH PHALGUNA, 1936

Bail Appl..No. 853 of 2015

CRIME NO. 67/2015 OF BAKAL POLICE STATION , KASARAGODU DISTRICT.
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PETITIONER(S)/ACCUSED NOS.1 TO 4:

- 1. NARAYANAN, S/O.KANNAN, AGED 58 YEARS,
VENDILINGRA HOUSE, KALLIOT P.O,
KANHIRADAKKAM, KASARAGODU DISTRICT.**
- 2. CHANDRAN, S/O.KARUVAN, AGED 44 YEARS,
KARIMBAPARA HOUSE, KALLIOT P.O,
KANHIRADAKKAM, KASARAGODU DISTRICT.**
- 3. LEELA K., W/O.KRISHNAN, AGED 52 YEARS,
KARIYAMKUNDU HOUSE, PERA P.O.**
- 4. KARTHYANI, W/O.NARAYANAN, AGED 53 YEARS,
VENDILINGRA HOUSE, KALLIOT P.O,
KANHIRADAKKAM, KASARAGODU DISTRICT.**

BY ADV. SRI.SUNNY MATHEW

RESPONDENT(S)/COMPLAINANT AND STATE:

- 1. THE SUB INSPECTOR OF POLICE,
BAKAL POLICE STATION,
KASARAGODU DISTRICT - 673 001.**
- 2. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM - 682 031.**

BY PUBLIC PROSECUTOR SMT.LALIZA.T.Y

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 03-03-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

mbr/

B.KEMAL PASHA, J.

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B.A. No.853 of 2015

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Dated this the 3rd day of March, 2015

ORDER

Petition filed under Section 438 Cr.P.C.

2. Petitioners are A1 to A4 in Crime No.67 of 2015 of the Bakal Police Station, Kasaragodu District, pending investigation for the offences punishable under Sections 448, 341, 323, 324 and 354 read with Section 34 of the Indian Penal Code.

3. The allegations against the petitioners is that on 21.01.2015, at 5.45 p.m., they committed trespass into the sit-out of the house of the defacto complainant woman, wrongfully restrained her, caught hold of her hair and the 2nd petitioner deliberately outraged her modesty by catching on her breast. She was kicked, slapped and stamped.

4. Heard learned counsel for the petitioners and learned

Public Prosecutor.

5. The contents of the CD *prima facie* reveal the complicity of the petitioners. At the same time, the main overt act, in outraging the modesty of the defacto complainant, is alleged as against the 2nd petitioner alone. Considering the seriousness of the allegations against the 2nd petitioner, I am satisfied that he is not entitled to the discretionary relief of anticipatory bail. At the same time, considering the facts and circumstances of the case, I am of the view that anticipatory bail can be granted to the other petitioners, i.e. petitioners 1, 3 and 4.

6. In the result, this bail application is allowed in part and the investigating officer or such other police officer, who is conducting the arrest of petitioners 1, 3 and 4, is directed to enlarge petitioners 1, 3 and 4 on bail in the event of their arrest on each of them executing a bond for Rs.25,000/- (Rupees twenty five thousand only) with two solvent sureties for the like sum each to the satisfaction of the officer conducting arrest, and subject to the following terms and conditions:-

(i) Petitioners 1, 3 and 4 shall report before the investigating officer in between 09.00 a.m. and 11.00 a.m. on all Tuesdays and Fridays commencing from 10.03.2015 for a period of three months or till the filing of the final report in this case, whichever is earlier.

(ii) Petitioners 1, 3 and 4 shall not tamper with the evidence or influence witnesses.

(iii) Petitioners 1, 3 and 4 shall make themselves available for interrogation as and when required by the investigating officer.

(iv) Petitioners 1, 3 and 4 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.

7. At the same time, the learned counsel for the petitioners seeks for an opportunity to the 2nd petitioner to surrender before the investigating officer in order to co-operate with the investigation.

8. This bail application, as far as the 2nd petitioner is

concerned, is dismissed. At the same time, if so advised, the 2nd petitioner may surrender before the investigating officer within ten days from today and in such case, the investigating officer can interrogate the 2nd petitioner, effect recovery if any, and conduct the investigation and produce the 2nd petitioner without delay before the court below, where the 2nd 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/3/3/15

// True Copy //

P.A. To Judge