

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

WEDNESDAY, THE 11TH DAY OF MARCH 2015/20TH PHALGUNA, 1936

Bail Appl..No. 1019 of 2015

CRIME NO. 93/2015 OF IRINJALAKUDA POLICE STATION, TRISSUR DISTRICT.
.....

PETITIONER/ACCUSED:

**LENEX, AGED 24 YEARS,
S/O. LAWRANCE, PULLUKKARA HOUSE,
VELAYANAD DESOM, KOTTANELLUR P.O.,
THRISSUR.**

BY ADV. SRI.RAJESH CHAKYAT

RESPONDENT/COMPLAINANT:

**STATE OF KERALA,
THROUGH THE SUB INSPECTOR OF POLICE,
IRINJALAKUDA, THRISSUR DISTRICT,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**

BY PUBLIC PROSECUTOR SMT.LALIZA.T.Y.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 11-03-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

mbr/

B.KEMAL PASHA, J.

.....
Bail Application No.1019 of 2015

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Dated this the 11th day of March, 2015.

ORDER

Petition under Section 438 Cr.P.C.

2. Petitioner is the accused in Crime No.93/2015 of Irinjalakuda Police Station registered for the offences punishable under Sections 452,427,294 (b) and 506(ii) IPC

3. The allegation against the petitioner is that on 18-1-2015 at 12.15 a.m, the petitioner drove his car bearing Reg.No.KL 45 K 8630 by smashing the gate of the house of the de-facto complainant and drove the car rashly into the sit out of the house of the de-facto complainant, thereby causing damage to the window and the marble banisters of the sit out. It is alleged that he has smashed the glass of the window panes and committed house trespass and

intimidated the de-facto complainant and abused her.

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

5. The petitioner has produced copies of complaints preferred against the son of the de-facto complainant, which clearly shows that the son of the de-facto complainant used to make sexual overtures towards the sister of the petitioner. Even though he was repeatedly warned by the police and the relatives of the girl including the petitioner, he continued to harass the girl. In fact, there is nothing to attract an offence under Section 452 Cr.P.C in the matter. Apart from alleging that he had intimidated the de-facto complainant, there is no allegation that he has caused any injuries to the inmates of the house. Considering the facts and circumstances of the case, I am of the view that the custodial interrogation of the petitioner is not required for the continued investigation of this case. Matters being so, I am of the view that this is a fit case wherein anticipatory bail can be granted to the petitioner.

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

(i) The petitioner shall report before the investigating officer in between 9 a.m. and 11 a.m. on all Wednesdays and Saturdays, commencing from 18-3-2015 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.

B.KEMAL PASHA, JUDGE

smm

