

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

FRIDAY, THE 13TH DAY OF MARCH 2015/22ND PHALGUNA, 1936

Bail Appl..No. 1021 of 2015

CRIME NO. 22/2015 OF PEERUMEDU POLICE STATION , IDUKKI

PETITIONER(S)/ACCUSED :

**RAMESH, AGED 33 YEARS,
S/O. KALIMUTHU, PATTUMALA ESTATE, LAYAM
PATTUMALA, IDUKKI DISTRICT.**

BY ADV. SRI.BIJU .C. ABRAHAM

RESPONDENT(S)/STATE :

**STATE OF KERALA
REPRESENTED BY THE SUB INSPECTOR OF POLICE
PEERUMADE POLICE STATION, THROUGH 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 13-03-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

PJ

B.KEMAL PASHA, J.

B.A.No.1021 of 2015 C

Dated this the 13th day of March 2015

ORDER

Petition under Section 438 Cr.P.C.

2. Petitioner is the accused in Crime No.22/2015 of Peerumade police station, Idukki district registered for the offences punishable under Sections 452, 354, 323, 341 and 506(i) of the I.P.C.

3. The allegation against the petitioner is that on 29.12.2014 at 6 p.m., he committed house trespass into the toilet attached to the house of the *defacto complainant* woman, while she was taking her bath and grabbed her breast and intimidated her.

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

5. The learned counsel for the petitioner has pointed out that on 29.12.2014 at 6 p.m., the son of the *defacto complainant* committed house trespass into the house of the petitioner and damaged the windows of the house and caught hold of the wife of the petitioner, whereby a crime, as Crime No.13/2015 was registered. It is further pointed out that after 7 days, the present complaint has been filed as a private complaint by the *defacto complainant*, solely in retaliation to the earlier complaint filed by the petitioner. In the present crime, the offence under Section 354 of the I.P.C. has been removed and offence under Section 354A, which is a bailable offence has been incorporated. The only non-bailable offence is the one alleged under Section 452 of the I.P.C. Considering the facts and circumstances of the case, I am of the view that this is a fit case wherein anticipatory bail can be granted to the petitioner.

6. 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 Fridays and Tuesdays, commencing from 20.3.2015 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.

**Sd/
B.KEMAL PASHA,
JUDGE**

dl

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PA to Judge