

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

MONDAY, THE 23RD DAY OF MARCH 2015/2ND CHAITHRA, 1937

Bail Appl..No. 1328 of 2015

**CRIME NO. 212/2015 OF KILIMANOOR POLICE STATION ,
THIRUVANANTHAPURAM DISTRICT**

PETITIONER(S)/ACCUSED :

**SATHEESAN.S, AGED 40 YEARS,
S/O.SASI, ODAKUZHI CHARUVILA VEEDU, KADAMBATTUKONAM,
KILIMANOOR P.O., KILIMANOOR VILLAGE,
THIRUVANANTHAPURAM DISTRICT.**

**BY ADVS.SRI.K.SIJU
SRI.S.ABHILASH**

RESPONDENT(S) :

**STATE OF KERALA,
THROUGH THE S.I. OF POLICE,
KILIMANOOR POLICE STATION,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**

BY PUBLIC PROSECUTOR SRI.SREEJITH V.S

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 23-03-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

Msd.

B.KEMAL PASHA, J.

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B.A.No.1328 of 2015

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Dated this the 23rd day of March, 2015

ORDER

Petition filed under Section 438 Cr.P.C.

2. The petitioner is the accused in Crime No.212 of 2015 of the Kilimanur Police Station, registered for the offences punishable under Sections 294(b), 323, 324, 341 and 354 of the Indian Penal Code.

3. The allegation against the petitioner is that on 23.03.2015 at 4.30 p.m., he abused the defacto complainant woman and beat below her left elbow with a wooden reaper. She fell down and attempted to get up. While so, she was again pushed down and the petitioner by sitting on her body caught hold of her neck and pressed her neck, thereby outraging her modesty.

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

5. The petitioner is none other than the husband of the

younger sister of the defacto complainant and he was living separately with his children from his wife. The parties are not in healthy relationship. According to the petitioner, this false case has been foisted against him in order to see that he is remanded to custody, so that she can claim the custody of his children. No criminal antecedents have been reported against the petitioner. Considering the relationship between the parties and the present stage of the investigation, I am of the view that anticipatory bail can be granted to the petitioner, especially when no criminal antecedents have been reported against him.

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 for the like sum each to the satisfaction of the officer conducting arrest, and subject to the following terms and conditions:-

- (i) Petitioner shall report before the

investigating officer in between 09.00 a.m. and 11.00 a.m. on all Mondays and Thursdays commencing from 30.03.2015 for a period of three months or till the filing of the final report in this case, whichever is earlier.

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

(iii) Petitioner shall make himself available for interrogation as and when required by the investigating officer.

(iv) 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

DSV/23/3/15

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P.A. To Judge