

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE B.KEMAL PASHA

MONDAY, THE 30TH DAY OF MARCH 2015/9TH CHAITHRA, 1937

Bail Appl..No.1424 of 2015

(CRIME NO.127/2015 OF PUNNAPRA POLICE STATION,ALAPPUZHA).

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PETITIONER/ACCUSED:

**M.THYAGARAJAN,S/O.RAGHAVAN,AGED 57 YEARS,
MEENAKSHI MANA,SANATHANAPURAM PO.
KALARKODE,ALAPPUZHA.**

BY ADV.SRI.G.PRIYADARSAN THAMPI

RESPONDENT/COMPLAINANT:

**STATE OF KERALA,
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 30-03-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

pk

B.KEMAL PASHA, J.

.....
B.A. No.1424 of 2015
.....

Dated this the 30th day of March, 2015

ORDER

Petition under Section 438 Cr.P.C.

2. Petitioner is the accused in Crime No.127/2015 of the Punnapra Police Station, Alappuzha District, registered for the offences punishable under Sections 294(b), 323, 342 and 354(A) IPC.

3. The allegation against the petitioner is that on 11.2.2015 at 11 a.m., he abused the de facto complainant woman, who is in charge of the Panchayath President of Punnapra North Panchayath and caught hold of her hand and pulled her hand, by which her 'Saree' detached from her body, and thereby her modesty was outraged.

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

5. The petitioner was the former Panchayath president. There had occurred some wordy altercations between the parties in a Panchayat Committee. Apart from that disputes, the contents of the C.D do not reveal any conscious attempt from the part of the petitioner to outrage the modesty of the de facto complainant. No criminal antecedents have been reported against the petitioner. The investigation of the case is practically over. The present crime has been registered on the basis of a private complaint filed by the de facto complainant before the Judicial First Class Magistrate's Court, Alappuzha, which was referred to the Police under Section 156(3) Cr.P.C. Considering the facts and circumstances of the case, and the present stage of investigation, I do not think that the custodial interrogation of the petitioner is required for the continued investigation of this case. Matters being so, 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 Mondays and Thursdays, commencing from 06.04.2015 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