

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

MONDAY, THE 13TH DAY OF JULY 2015/22ND ASHADHA, 1937

Bail Appl..No. 3734 of 2015 ()

CRIME NO. 1634/2015 OF KALADY POLICE STATION, ERNAKULAM DISTRICT.

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PETITIONERS/ACCUSED:

**SUNNY V.JOSEPH, AGED 50 YEARS,
S/O.JOSEPH, VELUTHEPPILLY HOUSE,
VELLARAPPILLY SOUTH, KALADY,
ERNAKULAM DISTRICT.**

**BY ADVS.SRI.GEO PAUL,
SRI.SANU MATHEW,
SRI.C.R.PRAMOD,
SRI.S.ASHOK KUMAR.,
SRI.RADHIKA RAJASEKHARAN P.,
SRI.LENIN P. SUKUMARAN,
SRI.K.S.SREENATH,
SRI.JERRY VARGHESE.**

RESPONDENT/STATE/COMPLAINANT:

**1. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**

*** ADDL. R2 IMPEADED**

**2. MARY, W/O.VARGHESE, AGED 50 YEARS,
ALAPPATT HOUSE, VELLARAPILLY KARA,
CHOWARA VILLAGE, ERNAKULAM DISTRICT.**

*** ADDL. R2 IS IMPEADED AS PER ORDER DATED 13/07/2015
IN CRL.MA. NO.6294/2015.**

**R1 BY PUBLIC PROSECUTOR SRI.V.S. SREEJITH.
ADDL. R2 BY ADVS. SRI.SOJAN MICHEAL,
SRI.LITTO VARGHESE PALATHINKAL.**

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 13-07-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

rs.

K. ABRAHAM MATHEW, J.

B.A. No.3734 of 2015

Dated this the 13th day of July 2015

O R D E R

Petition filed under Sec.438 Cr.P.C.

2. Petitioner is accused in Crime No.1634 of 2015 of Kalady Police station registered for the offences under Secs.294(b), 323, 354 and 451 of the Indian Penal Code. The prosecution case is that he trespassed into the property of the victim, uttered obscene words, assaulted her and outraged her modesty.

3. Heard learned counsel for the petitioner, the counsel for the defacto complainant and the learned Public Prosecutor.

4. The facts of the case indicates that this is essentially an assault case though Sec.354 IPC has been included on the allegation that the petitioner tore the nightie of the victim. It appears that custodial interrogation of the petitioner is not necessary for effective investigation.

In the result, the bail application is allowed.

1) The petitioner shall be released on bail after interrogation on his executing a bond for Rs.25,000/- (Rupees twenty five thousand only) with two solvent sureties each for the like sum if he is arrested by the Police in connection with this case.

2) He shall appear before the Investigating Officer between 10.00 a.m. and 11.00 a.m. on every Wednesday for four months or till the final report is filed whichever is earlier.

3) He shall not destroy or tamper with evidence.

4) He shall not intimidate or influence the witnesses nor shall he get himself involved in any other criminal case.

5) He shall not harass the defacto complainant or her relatives.

6) He shall not enter the victim's properties.

In case of violation of any of the above conditions, the learned Magistrate is empowered to

cancel the bail in accordance with the law.

If the petitioner surrenders before the Magistrate, this order is not applicable and the learned Magistrate may pass appropriate orders.

Sd/-
K. ABRAHAM MATHEW
JUDGE

/ True Copy /

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P.A. To Judge