

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

THURSDAY, THE 13TH DAY OF AUGUST 2015/22ND SRAVANA, 1937

Bail Appl..No. 4741 of 2015

CRIEM NO. NOT KNOWN MANKARA POLICE STATION, PALAKKAD

PETITIONER(S)/ACCUSED :

**JOHNY SHIMIN, AGED 27 YEARS,
S/O.JOHNY K.A., KUDILINGAL HOUSE, AZAD ROAD,
KALOOR, ERNAKULAM.**

**BY ADVS.SRI.V.B.UNNIRAJ
SMT.R.S.GEETHA
SMT.P.ANTHA**

RESPONDENT(S) :

- 1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682 031.**
- 2. THE SUB INSPECTOR OF POLICE,
MANKARA POLICE STATION, MANKARA, PALAKKAD-678 613.**

BY PUBLIC PROSECUTOR SMT.LALIZA.T.Y

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 13-08-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

Msd.

K.ABRAHAM MATHEW, J.

.....
B.A.No. 4741 of 2015

.....
Dated this the 13th day of August, 2015

ORDER

Petition filed under Section 438 Cr.P.C.

2. Petitioner is the sole accused in Crime No.490 of 2015 of the Mankara Police Station registered for the offences under Secs.294b, 323, 354A and 457 of the Indian Penal Code. The victim is his sister-in-law. The prosecution case is that he trespassed into her house and uttered obscene words, physically assaulted her and outraged her modesty by touching her private parts.

3. Heard both sides.

4. The alleged incident happened at the residence of the victim in the presence of her parents-in-law on 30.07.2015. The police was informed on 04.08.2015. There is no explanation for the delay. The fact mentioned above show that there are suspicious circumstances. So I am inclined to grant the prayer of the petitioner.

5. In the result, this application is allowed.

- 1) The petitioner shall be released on bail 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 surrender his passport before the lower court concerned or if he does not have one, he shall file an affidavit to that effect within five days of his release.
- 3) He shall not leave India without the previous permission of the court of enquiry or trial court as the case may be.
- 4) He shall not intimidate or attempt to influence the witnesses.
- 5) He shall not destroy or tamper with evidence.
- 6) He shall not attempt to contact or communicate with the victim.
- 7) He shall not get himself involved in any other criminal case while he is on bail.
- 8) He shall not harass the de facto complainant or her relatives.

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

In case of violation of any of the above conditions, the learned Magistrate is empowered to cancel the bail in accordance with the law.

sd/-
K.ABRAHAM MATHEW
JUDGE

AMV/13/08/

/TRUE COPY/

P.A.TO JUDGE