

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

MONDAY, THE 7TH DAY OF SEPTEMBER 2015/16TH BHADRA, 1937

Bail Appl..No. 5052 of 2015 ()

**CRIME NO. 1239/2015 OF VAIKOM POLICE STATION,
KOTTAYAM DISTRICT**

PETITIONER/ACCUSED :

**PRADEEP, AGED 47 YEARS,
S/O.KAMALASANAN, PERUMPUZHIPURATHU (H),
ALATHOOR, THALAYAZHAM, VAIKOM.**

BY ADV. SRI.C.P.UDAYABHANU

RESPONDENT/COMPLAINANT :

**STATE OF KERALA
REPRESENTED BY THE SUB INSPECTOR OF POLICE
(CRIME NO.1239/15) VAIKOM POLICE STATION,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**

BY PUBLIC PROSECUTOR MR. RAJESH VIJAYAN

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 07-09-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

bp

A.HARIPRASAD, J.

B.A. No.5052 of 2015

Dated this the 7th day of September, 2015

ORDER

Petition under Section 438 of the Code of Criminal Procedure.

2. Petitioner is the accused in Crime No.1239 of 2015 of Vaikom Police Station registered for offences punishable under Sections 323, 452, 354, 506(ii) and 294(b) of the Indian Penal Code.

3. Prosecution case, in short, is that the accused persons attacked the defacto complainant and outraged her modesty.

4. Heard both sides.

5. Learned counsel for the petitioner submitted that actually the incident is not as stated by the prosecution. According to him, the petitioner was attacked by husband of the defacto complainant with an iron rod and he sustained injuries in the attack. A case has been registered against the husband of the defacto complainant under Sections 308 and 324 of the Indian Penal Code. The defacto complainant is the second accused in the said crime. As a counter blast, this case is registered is the contention of the petitioner.

After hearing the learned counsel for the petitioner and the learned Public Prosecutor, I am of the view that the petitioner can be released on bail with the following conditions:

i. Petitioner shall appear before the investigating officer within a period of two weeks and submit himself for interrogation. Thereafter he shall execute a bond for ₹25,000/- (Rupees twentyfive thousand only) with two solvent sureties each for the like sum to the satisfaction of the investigating officer. In that event, he shall be released on bail in Crime No.1239 of 2015 of Vaikom Police Station.

ii. The sureties shall produce documents to establish their identity and solvency.

iii. Petitioner shall appear before the Investigating Officer as and when directed for the purpose of investigation in the matter.

iv. He shall not influence or intimidate the witnesses.

In case of violation of any of the above conditions, the learned Magistrate having jurisdiction is empowered to cancel the bail in accordance with law without referring the matter to this Court.

A. HARIPRASAD, JUDGE.

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