

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

TUESDAY, THE 13TH DAY OF JANUARY 2015/23RD POUSHA, 1936

Bail Appl..No. 5037 of 2014

CRIME NO. 741/2014 OF PALAKKAD TOWN SOUTH POLICE STATION , PALAKKAD

PETITIONER(S)/ACCUSED:

**ANANDAN MENON, AGED 41 YEARS,
S/O.BALARKRISHNAN MENON, ANANDKALAM,
KANJIKODE WEST,
PALAKKAD**

**BY ADVS.SRI.S.RAJEEV
SRI.K.K.DHEERENDRAKRISHNAN**

RESPONDENT(S)/STATE:

**1. STATE OF KERALA
REP BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA
ERNAKULAM-682031
(CRIME NO 741/2014 OF TOWN SOUTH POLICE STATION
PALAKKAD DISTRICT) .**

**2. STATION HOUSE OFFICER,
TOWN SOUTH POLICE STATION,
PALAKKAD DISTRICT, PIN-678001
(CRIME NO 741/2014 OF TOWN SOUTH POLICE STATION
PALAKKAD DISTRICT).**

BY PUBLIC PROSECUTOR SMT.LALIZA T.Y.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 13-01-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

PJ

K.ABRAHAM MATHEW, J.

B.A.No. 5037 OF 2014

Dated this the 13th day of January, 2015

O R D E R

Petition filed under Section 438 Cr.P.C.

2. The petitioner is the first accused in Crime No.741/2014 of Town South Police Station. The case was registered for the offences under Sections 341,354A & 451 IPC. The allegation is that at the instance of the 2nd accused, who is none other than the mother of the victim, the petitioner molested the victim at her residence in 2013. The information was given to the police on 23/5/2014. He was granted bail by the learned Magistrate on 29/5/2014. Now the police have sent a report to the learned Magistrate stating that the offence under Section 511 read with Section 376 IPC and the offence under Section 120B IPC also have been committed. Sections 341, 354A and 451 have been substituted by Sections 342,354 & 452 IPC. The petitioner approached the learned Session Judge for anticipatory bail in respect of the offences inserted

later. That was rejected. The learned Magistrate has issued notice to the petitioner to show cause why the bail granted to the petitioner shall not be cancelled.

3. Heard the learned counsel for the petitioner and the learned Public Prosecutor. The learned counsel for the petitioner submits that the facts of the case indicate that the allegations are false and the attempt is to see that by hook or crook he is remanded to custody. The perusal of the First Information Statement shows that there was no allegation that the petitioner attempted to commit rape on the victim. The incorporation of Section 511 read with Section 376 IPC is a subsequent development. The victim is not a illiterate. She is a college student. I am satisfied that this is a fit case to grant anticipatory bail.

4. In the result, this 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 submit his passport before the learned Magistrate within five days of his release.

3. He shall appear before the Investigating Officer between 10.30 and 11.30 A.M. on every 1st and 3rd Saturdays for four months or till the final report is filed whichever is earlier.

4. He shall not contact or communicate with the victim .

5. He shall not intimidate or attempt to influence the witnesses.

Sd/-

K.ABRAHAM MAHTEW, Judge.

dpk

/True copy/ PS to Judge.

