

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

THURSDAY, THE 3RD DAY OF SEPTEMBER 2015/12TH BHADRA, 1937

Bail Appl..No. 5162 of 2015 ()

**CRIME NO. 443/2015 OF VALIAYAMALA POLICE STATION,
THIRUVANANTHAPURAM DISTRICT**

PETITIONER/ACCUSED:

**R.SABU, S/O.RAJAYYAN,AGED 43 YEARS,
SARITHA BHAVAN, KARAYALATHU KONAM,
VENKODE P.O., VATTAPARA, THIRUVANANTHAPURAM.**

BY ADV. SRI.SUMAN CHAKRAVARTHY

RESPONDENT :

**THE STATE OF KERALA,
REP. BY ITS PUBLIC PROSECUTOR,
HIGH COURT OF KERALA.PIN- 682 031.**

BY PUBLIC PROSECUTOR SRI.RAJESH VIJAYAN

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 03-09-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

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A.HARIPRASAD, J.

B.A. No.5162 of 2015

Dated this the 3rd day of September, 2015

ORDER

Petition under Section 438 of the Code of Criminal Procedure.

2. Petitioner is the accused in Crime No.443 of 2015 of Valiyamala Police Station registered under Section 354 of the Indian Penal Code. Prosecution case is that the petitioner, a pastor of a particular religion, went to the house of the defacto complainant and in the guise of conducting a prayer, fondled her body with an intent to outrage her modesty.

3. Heard the learned counsel for the petitioner and the learned Public Prosecutor. Perused the case diary.

4. Learned counsel for the petitioner submitted that for the last 30 years, he was working as a pastor and there was no room for any complaint so far. Defacto complainant's husband, who does not believe in this practice, is instrumental for registering a false case is the allegation of the petitioner.

5. Considering the materials in the case diary, I find that following order can be passed to secure the ends of justice:

- i. Petitioner shall surrender 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.443 of 2015 of Valiyamala Police Station.

ii. Petitioner shall appear before the Investigating Officer as and when directed if any investigation is required in the matter.

iii. 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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