

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

THURSDAY, THE 17TH DAY OF SEPTEMBER 2015/26TH BHADRA, 1937

Bail Appl..No. 5296 of 2015

CRIME NO. 738/2015 OF PANGODE POLICE STATION, THIRUVANANTHAPURAM
.....

PETITIONER(S)/ACCUSED:

**K.S. JESSY,
SECRETARY, PANGODE GRAMA PANCHAYAT, PANGODE P.O.,
THIRUVANANTHAPURAM, RESIDING AT KIZHAKKEVILAVEEDU,
KOKKOTHAMANGALAM, 10 KOKKOTHAMANGALAM, ARUVIKKARA.**

**BY ADVS.SRI.THOMAS ABRAHAM
SMT.MERCIAMMA MATHEW
SRI.ASWIN.P.JOHN**

RESPONDENT(S):

- 1. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA.**
- 2. SUB INSPECTOR OF POLICE,
PANGODE POLICE STATION,
THIRUVANANTHAPURAM DISTRICT-695 001.**

BY PUBLIC PROSECUTOR SMT.R.REMA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
17-09-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

msv/

A.HARIPRASAD, J.

B.A. No.5296 of 2015

Dated this the 17th day of September, 2015

ORDER

Petition under Section 438 of the Code of Criminal Procedure.

2. Petitioner is the accused in Crime No.738 of 2015 of Pangode Police Station registered for an offence punishable under Section 2 of the Prevention of Insult to National Honours Act, 1971.

3. It is alleged that on the last independence day, a national flag was hoisted at 8.40 a.m. and was removed only at 5.00 p.m. on 16.08.2015.

4. Heard both sides.

5. Learned counsel for the petitioner submitted that the petitioner is a Panchayat Secretary. She is staying about 30 kms. away from her office. As per Annexure-I, it can be seen that even on 13.08.2015 she made an office order to hoist the flag and bring it down before sun set on 15.08.2015. She pleads innocence.

Considering the nature of allegations and the materials produced, following directions are issued:

i. Petitioner shall appear before the investigating officer within a period of two weeks and submit herself for interrogation.

Thereafter she 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, she shall be released on bail in Crime No.738 of 2015 of Pangode 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 in writing and co-operate with the investigation in the matter.

iv. She 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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