

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

THURSDAY, THE 1ST DAY OF OCTOBER 2015/9TH ASWINA, 1937

Bail Appl..No. 5641 of 2015 ()

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CRIME NO. 509/2015 OF NEYYARDAM POLICE STATION,
THIRUVANANTHAPURAM DISTRICT
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PETITIONER/ACCUSED:

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MOHANAKUMAR, AGED 30 YEARS,S/O.VIJAYAN,
ROADARIKATHU VEEDU, VILANGUMALA,
VAZHICHAL P.O, TRIVANDRUM.**

BY ADV. SRI.M.R.SARIN

RESPONDENT(S)/STATE/DEFACTO COMPLAINANT:

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- 1. STATE OF KERALA, REPRESENTED BY
REPRESENTED THROUGH THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM,PIN-682 031**
 - 2. THE INSPECTOR OF POLICE,
NEYYATTINKARA POLICE STATION,
REPRESENTED THROUGH THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682 031**

BY PUBLIC PROSECUTOR SMT. T.Y.LALIZA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 01-10-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

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A.HARIPRASAD, J.

B.A. No.5641 of 2015

Dated this the 1st day of October, 2015

ORDER

Petition under Section 438 of the Code of Criminal Procedure.

2. Petitioner is involved in Crime No.509 of 2015 of Neyyardam Police Station registered for offences punishable under Sections 294(b), 323 and 354 of the Indian Penal Code.

3. Petitioner entertained enmity towards the defacto complainant for having questioned the consumption of liquor from a place very close to her residential house. On 02.08.2015 at about 5.00 p.m., petitioner abused the defacto complainant and bet her. He caught hold of the defacto complainant's hair and thereby committed the offences.

4. Heard both sides.

5. It is contended by the petitioner that no material to attract an offence under Section 354 of the Indian Penal Code is made out from the materials in the case diary.

Considering the materials in the case diary, I am of the view that custodial interrogation of the petitioner is not necessary to establish an offence under Section 354 of the Indian Penal Code. Hence the following

order:

i. Petitioner shall surrender before the investigating officer within a period of one week 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.509 of 2015 of Neyyadam 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. He shall not influence or intimidate the witnesses.

In case of violation of any of the above conditions, the officer concerned is free to arrest the petitioner as if no order is passed.

A. HARIPRASAD, JUDGE.

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