

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

TUESDAY, THE 6TH DAY OF OCTOBER 2015/14TH ASWINA, 1937

Bail Appl..No. 6004 of 2015

CRIME NO. 635/2015 OF VATTAPPARA POLICE STATION, THIRUVANANTHAPURAM.
.....

PETITIONER/ACCUSED:

**SUNILKUMAR @ KOCHUMON, AGED 30 YEARS,
S/O. JOHN, THADATHARIKATHU VEEDU,
NEDUVELI, KONCHIRA P.O,
NEDUMANGADU, THIRUVANANTHAPURAM.**

**BY ADVS.SMT.M.SANTHI (K/868/2011)
SRI.G.RANJU MOHAN**

RESPONDENT/STATE :

**STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**

BY PUBLIC PROSECUTOR SMT.R.REMA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 06-10-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

mbr/

A.HARIPRASAD, J.

B.A No.6004 of 2015

Dated this the 6th day of October, 2015.

ORDER

Application for pre-arrest bail under Section 438 Cr.P.C.

2. Petitioner is the accused in Crime No.635/2015 of Vattappara Police Station registered for offences punishable under Section 354 I.P.C and Sections 7 and 8 of Protection of Children from Sexual Offences Act.

3. Heard the learned counsel for the petitioner and the learned Public Prosecutor.

4. Prosecution case, in short, is that on 03-08-2015 at about 8.30 a.m., while the defacto complainant was proceeding to her school for attending tuition class, the petitioner gave her a lift in an auto rickshaw to her school. When she reached the school, he refused to accept fare from her as somebody had already paid the fare. It is alleged that thereafter the petitioner caught hold of the hand of the defacto complainant, a minor girl aged 16 ½ years and thereby sexually assaulted her.

5. Learned Public Prosecutor contended that there are specific allegations that the petitioner caught hold of her hand with an intention to outrage her modesty. That apart, he is involved in another crime in which an offence under Section 308 I.P.C has been registered. Learned counsel for the petitioner submitted that he has never attempt to assault the modesty of the lady. Considering the facts and circumstances, I find no reason to grant pre-arrest bail to the petitioner. Hence, following directions are issued :

The petitioner shall surrender before the Investigating Officer within a period of one week from today and submit himself for interrogation. Thereafter, he shall be produced before the learned Magistrate having jurisdiction on the same day. The petitioner is free to move for regular bail before the court

below. In that event, the application shall be considered on merits as expeditiously as possible. If petitioners do not surrender in the stipulated time, the Investigating Officer is free to arrest him as if no order is passed in this matter.

Sd/-
**A.HARIPRASAD,
JUDGE.**

//True copy//

P.A to Judge

amk