

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. 6055 of 2015

**CRIME NUMBER 768 OF 2015 OF VILAPILSALA POLICE STATION ,
THIRUVANANTHAPURAM DISTRICT**

PETITIONER(S)/ACCUSED :

**JOSEPH.R, AGED 52 YEARS,
S/O.REGULAS, PONNEDUTHAKUZHI, URIYACODE.P.O.,
PERUMKULAM VILLAGE, KATTAKADA TALUK,
THIRUVANANTHAPURAM DISTRICT, PIN-695 575.**

**BY ADVS.SRI.SINU.G.NATH
SRI.S.M.RAJEEVAN**

RESPONDENT(S) :

**STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM- 682 031.**

BY PUBLIC PROSECUTOR SMT.TY.LALIZA

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

Msd.

A. HARIPRASAD, J.

Bail Appl. No.6055 of 2015

Dated this the 6th day of October 2015

O R D E R

Bail application filed under Sec.438 Cr.P.C.

2. Petitioner is the accused in Crime No.768 of 2015 of Vilapilsala Police station registered for the offences punishable under Secs.354 and 452 of the Indian Penal Code. The prosecution case is that on 10.07.2015 at 2.30 p.m., while the defacto complainant was engaged in household duty in kitchen, the petitioner came from behind and embraced her. The petitioner was working with husband of the defacto complainant at the material time. It is also alleged that one month prior to this incident, the accused had asked her to give phone number so that he could call her and come to her home with a lascivious intention.

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

4. The earlier application for anticipatory bail was rejected by this Court as per order dated 29.07.2015

in B.A. No.4546 of 2015. Learned counsel could not show any change of circumstance to get a favourable order in this bail application. It is submitted that wife of the accused had been in the hospital as she had underwent a surgery. Admittedly, she has been discharged. However, that cannot be taken as a change of circumstance to grant anticipatory bail to the petitioner. Repeated applications without any change of circumstance can never be entertained and it is an abuse of the process of Court.

In the result, the bail application is dismissed.

Sd/-
A. HARIPRASAD
JUDGE

/ True Copy /

NS/06/10/2015

P.A. To Judge