

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

TUESDAY, THE 1ST DAY OF DECEMBER 2015/10TH AGRAHAYANA, 1937

Bail Appl..No. 6592 of 2015

CRIME NO. 837/2015 OF MULAMTHURUTHY POLICE STATION, ERNAKULAM
.....

PETITIONER(S)/ACCUSED:

**MAHESWARAN K.M., AGED 30 YEARS,
S/O. BRAHMAMANGALAM MADHAVAN, KULANGARA HOUSE,
BRAHMAMANGALAM P.O., VAIKOM TALUK,
KOTTAYAM DISTRICT-686 605.**

BY ADV. SRI.P.K.SAJEEV

RESPONDENT(S)/COMPLAINANT:

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

BY PUBLIC PROSECUTOR SMT.R.REMA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
01-12-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

msv/

A.HARIPRASAD, J.

=====

B.A.No.6592 of 2015

=====

Dated this the 1st day of December, 2015

ORDER

Application filed under Section 438 of the Code of Criminal Procedure.

2. Petitioner seeks pre-arrest bail in Crime No.837/2015 of Mulamthuruthy Police Station registered under Sections 376(n), 450, 496 of Indian Penal Code and Sections 3(a) read with 4, 7 read with Section 8 of the Protection of Children from Sexual Offences Act, 2012.

3. The prosecution case is that, the petitioner after extending a promise to marry and performing a ring exchange ceremony in a temple on 17-04-2013, took the de facto complainant to a rented house and sexually assaulted her from various places.

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

5. Learned counsel for the petitioner submitted that

there was a marriage proposal made by the petitioner to the de facto complainant. Later he understood that the family of the de facto complainant is not worthy of association and therefore he retracted from the alliance. Thereafter the de facto complainant's brother assaulted the petitioner from his work place. Petitioner filed a complaint before Palarivattom Police Station on 18-09-2015. Subsequently on 20-09-2015, the de facto complainant approached Mulamthuruty Police and filed a complaint which is produced as Annexure.3. In Annexure 3, there is no whisper about any sexual assault. Later, after registering this case on 26-09-2015, she gave a statement under Section 164 of Code of Criminal Procedure, alleging the case of sexual assault for the first time. According to the counsel for the petitioner the attempt on the part of the de facto complainant and her family is to extract money. Learned Public Prosecutor opposed the bail application.

6. Considering the nature of allegations, I am inclined to grant anticipatory bail to the petitioners with the

following conditions:

- (a) Petitioner shall surrender before the Investigating Officer within a period of 'two weeks' from today and submit themselves for interrogation. Thereafter, he shall be released on bail on his executing a bond for `25,000/- (Rupees Twenty Five Thousand Only) with two solvent sureties each for the like sum to the satisfaction of the Investigating Officer.
- (b) The petitioner shall appear before the Investigating Officer as and when required for the purpose of interrogation.
- (c) The petitioner shall co-operate with the investigation of the case.
- (d) The petitioner shall not intimidate or attempt to influence the witnesses.
- (e) The petitioner shall not in any manner interfere or meddle with the investigation.

- (f) Petitioner shall not, during the period of this bail get involved in any offence.

In case any of the above conditions is violated, bail granted hereby is liable to be cancelled for which the investigating officer may move application before the jurisdictional magistrate.

Sd/
A.HARIPRASAD, JUDGE.

AVS

// TRUE COPY//

P.A TO JUDGE