

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

WEDNESDAY, THE 18TH DAY OF NOVEMBER 2015/27TH KARTHIKA, 1937

Bail Appl..No. 7139 of 2015 ()

CRIME NO. 879/2015 OF CHERPULASSERY POLICE STATION, PALAKKAD DISTRICT

PETITIONER/ACCUSED :

**JAMSHEER, AGED 25 YEARS
S/O.ABDUL LATHEEF, PUTHANPURAYIL, VALLAPPUZHA
PALAKKAD DISTRICT.**

**BY ADVS.SRI.SALIM V.S.
SRI.SHANAVAS S.
SRI.H.NUJUMUDEEN**

RESPONDENTS/COMPLAINANT :

**STATE OF KERALA
THROUGH S.H.O., CHERPULASSERY POLICE STATION
PALAKKAD DISTRICT, REP. BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM, PIN – 682 031.**

BY PUBLIC PROSECUTOR SMT. LALIZA T.Y.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 18-11-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Mn

A.HARIPRASAD, J.

B.A. No.7139 of 2015

Dated this the 18th day of November, 2015

ORDER

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

2. Petitioner is the sole accused in Crime No.879 of 2015 of Cherpulassery Police Station registered for an offence punishable under Section 12 of Protection of Children from Sexual Offence Act, 2012 (for short 'the Act').

3. Prosecution case, in short, is that on 30-07-2015 at about 2 'O' Clock, the petitioner, who was driving an auto rickshaw asked the defacto complainant, a boy aged 14 years to get into the auto rickshaw, so that he could drop the defacto complainant at his home. Believing the words of the petitioner, he entered the auto rickshaw. After sometime, the auto rickshaw was stopped at a deserted place and the petitioner uttered obscene words falling within the definition of sexual harassment under Section 11 of the Act. Petitioner pleads innocence.

4. Heard the learned counsel for the petitioner and the

learned Public Prosecutor.

5. Learned counsel for the petitioner submitted that at the most there is only oral suggestion and the petitioner has not done any physical act. Learned Public Prosecutor opposed the bail application by contending that the definition of sexual harassment takes in the alleged acts as well. Considering the nature of allegations, I am not inclined 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 two weeks 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 petitioner does 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.**

amk

//True copy//

P.A to Judge