

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

WEDNESDAY, THE 25TH DAY OF NOVEMBER 2015/4TH AGRAHAYANA, 1937

Bail Appl..No. 7176 of 2015 ()

CRIME NO. 1397/2015 OF PAYYANNUR POLICE STATION, KANNUR DISTRICT

PETITIONER/ACCUSED :

**GOPALAKRISHNAN V.,
S/O.K.GOPALAN, AGED 46 YEARS
KUNHIMANGALAM AMSOM DESOM
THEKKUMBAD P.O., KUNHIMANGALAM,
KANNUR DISTRICT.**

BY ADV. SRI.M.V.AMARESAN

RESPONDENT/COMPLAINANT :

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

BY PUBLIC PROSECUTOR SMT. R. REMA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 25-11-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Mn

A. HARIPRASAD, J.

Bail Appl. No.7176 of 2015

Dated this the 25th day of November 2015

O R D E R

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

2. Petitioner is the accused in Crime No.1397 of 2015 of Payyannur Police station registered for the offences punishable under Secs.341, 323, 354 and 427 of the Indian Penal Code. Prosecution case is that on 19.08.2015 at about 8.30 a.m., the petitioner attacked the defacto complainant while she was travelling in an auto rickshaw. She was pulled down from the auto rickshaw by catching hold of her saree and hair.

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

4. Learned counsel for the petitioner submitted that there is no ingredient to attract the offence under Sec.354 IPC. The parties are relatives.

5. Learned Public Prosecutor opposed the bail application contending that there are materials to show that the defacto complainant sustained injuries in the

incident.

Reckoning the entire facts and circumstances, pre arrest bail is granted to the petitioner with the following conditions.

1. The petitioner shall surrender before the investigating officer within a period of two weeks and submit himself for interrogation.

2. In the event of arrest, the petitioner shall be released on his executing a bond for Rs.25,000/- (Rupees twenty five thousand only) with two solvent sureties each for the like sum to the satisfaction of the investigating officer.

3. The petitioner shall appear before the Investigating Officer for interrogation as and when directed by him in writing.

4. The petitioner shall not intimidate or attempt to influence the witnesses, nor shall he tamper with the evidence.

In case of violation of any of the above conditions, the learned Magistrate is empowered to cancel the bail in accordance with law without referring the matter to this Court.

Sd/-
A. HARIPRASAD
JUDGE

/ True Copy /

NS/25/11/2015

P.A. To Judge