

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

THURSDAY, THE 26TH DAY OF NOVEMBER 2015/5TH AGRAHAYANA, 1937

Bail Appl..No. 7267 of 2015

**CRIME NO. 2157/2015 OF THRICKODITHANAM POLICE STATION,
KOTTAYAM DISTRICT**

PETITIONER(S)/ACCUSED :

**SHIJI PADMANABHAN, AGED 41 YEARS,
S/O.PADMANABHAN, PUTHUPARAMBIL HOUSE,
THRICKODITHANAM P.O, THRICKODITHANAM VILLAGE,
CHANGANACHERRY TALUK, KOTTAYAM DISTRICT.**

**BY ADVS.SRI.K.SHAJ
SRI.SAJJU.S**

RESPONDENT(S)/STATE :

- 1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM- 682 031.**
- 2. SUB INSPECTOR OF POLICE,
THRIKODITHANAM POLICE STATION, THRIKODITHANAM,
KOTTAYAM- 681 006**

BY PUBLIC PROSECUTOR SMT.TY.LALIZA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 26-11-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

Msd.

A.HARIPRASAD, J.

B.A. No.7267 of 2015

Dated this the 26th 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.2157 of 2015 of Thrickodithanam Police Station registered for offence punishable under Sections 451, 323 and 354 I.P.C.

3. Prosecution case, in short, is that on 01-11-2015 at about 2.30 p.m., the petitioner trespassed into the house of the defacto complainant and caused hurt. Further, he attempted to outrage the modesty of the defacto complainant.

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

5. Learned counsel for the petitioner submitted that going by the allegations in the first information statement and other materials, offence under Section 354 I.P.C is not made out. Learned Public Prosecutor submitted that the petitioner caught hold of the victim by hair and dashed her head against the wall three times and

further, he slapped her. Considering the nature of allegations, prima facie, the offence under Section 354 I.P.C is not attracted. Hence, following directions are made :

1. Petitioner shall surrender before the investigating officer within a period of two weeks from today and submit himself for interrogation. In that event, he shall be released on bail on 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.
2. The sureties shall produce documents to establish their identity and solvency. The Investigating Officer need not insist on the solvency certificate, but other documents can also be perused to find out whether the sureties are solvent or not.
3. Petitioner shall appear before the Investigating Officer as and when directed.
4. Petitioner shall not influence or intimidate witnesses.
5. If any of the above conditions is violated by the petitioner, the learned Magistrate having jurisdiction is free to cancel the bail.

amk

Sd/-
A.HARIPRASAD,
JUDGE.

//True copy//

PA to Judge