

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. 7380 of 2015 ()

CRIME NO. 978/2015 OF VITHURA POLICE STATION, THIRUVANANTHAPURAM

PETITIONER/ACCUSED :

ALIYARUKUNJU, AGED 52 YEARS
S/O.MUHAMMED MUSTHAF, RESIDING AT K.P. HOUSE
OORALIKONAM, KARUMANKODE, PALODU, PERINGAMALA VILLAGE
THIRUVANANTHAPURAM DISTRICT.

BY ADVS.SMT.M.SANTHI
SRI.G.RANJU MOHAN
SMT.REMA DEVI
SRI.RAHUL MATHEW

RESPONDENT/STATE :

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

BY PUBLIC PROSECUTOR SMT.R. REMA

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

Mn

A.HARIPRASAD, J.

B.A.No.7380 of 2015

Dated this the 26th day of November, 2015

ORDER

Application filed under Section 439 of the Code of Criminal Procedure.

2. Petitioner is the accused in Crime No.978 of 2015 of Vithura Police Station registered for the offences punishable under Section 354 of the Indian Penal Code and Sections 3(1) and 3(XI) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, seeks bail.

3. Prosecution case is that on 27.10.2015 at about 10.00 a.m., he caught hold of the defacto complainant, a lady belonging to scheduled caste community and outraged her modesty.

4. Heard both sides.

5. Learned counsel for the petitioner submitted that there is no ingredient to attract an offence under Section 354 IPC revealed from the materials.

6. Learned Public Prosecutor submitted that he is in custody from 11.11.2015.

7. Considering the nature of allegations and stage of investigation, I am inclined to grant bail to the petitioner with the following conditions:

- (a) The petitioner shall be released on bail on his executing a bond for ₹25,000/- (Rupees twenty five thousand only) with two solvent sureties for the like sum to the satisfaction of the learned magistrate having jurisdiction.
- (b) The sureties shall produce documents to establish their identity and solvency. The lower court need not insist on solvency certificate, but other documents can also be perused to find out whether the sureties are solvent or not.
- (c) The petitioner shall appear before the Investigating Officer on all Saturdays between 10.00 a.m and 11.00 a.m. until the final report is filed.
- (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) The 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.

AS

Sd/-
A.HARIPRASAD, JUDGE.
/True Copy/

P.A. To Judge