

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

WEDNESDAY, THE 2ND DAY OF DECEMBER 2015/11TH AGRAHAYANA, 1937

Bail Appl..No. 7462 of 2015 ()

CRIME NO. 2070/2015 OF ARANMULA POLICE STATION, PATHANAMTHITTA

PETITIONERS/ACCUSED NO.1 TO 3 :

- 1. RAJESH, AGED 39 ,
S/O.SANKUNNY, RESIDING AT THOLOOPARAMBIL HOUSE
THEKKEMALA, KOZHENCHERY.**
- 2. E.N.UNNI, AGED 50 YRS.,
S/O.NARAYAN, RESIDING AT ETTITTAMELETHIL HOUSE
KUNNATHUKARA, ARANMULA.**
- 3. MATHEW P.D., AGED 41 YRS.,
S/O.K.V. DANIEL, RESIDING AT PADIJANTTINKARA HOUSE
KURUMTHAR MURI, KOZHENCHERY TALUK.**

**BY ADVS.SRI.M.MANOJ KUMAR
SMT.L.SMITHARAJ**

RESPONDENT/COMPLAINANT :

**THE 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 02-12-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Mn

A.HARIPRASAD, J.

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B.A.No.7485 of 2015

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Dated this the 2nd day of December, 2015

ORDER

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

2. Petitioners are accused 1 to 3 in crime No.2070/2015 of Aranmula Police Station registered for offences under Sections 452, 354, 294 (b) read with Section 34 of the Indian Penal Code.

3. The prosecution case is that, on 08-11-2015 at about 10.00 p.m accused 1 and 2 barged into the house of the de facto complainant and abused her husband. Thereafter they attacked the de facto complainant's husband as the latter owned money to former persons. When the de facto complainant tried to meddle with the matter, she was abused and pushed down, her dress was torn. Indecent advances were made to her and thereby accused 1 and 2 had committed the offence. It is further alleged that the third petitioner trespassed into house and committed offences.

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

5. Peruse the case diary. Materials in the case diary show the involvement of the petitioners in the crime. There are clear allegations of outraging the modesty of a women against the petitioner 1 and 2.

6. I am of the view that they are not entitled to get any favorable orders by invoking extraordinary jurisdiction. Therefore their application stand dismissed.

7. Considering the nature of allegations, I am inclined to grant anticipatory bail to the third petitioner with the following conditions:

- (a) Petitioner shall surrender before the Investigating Officer within a period of 'two weeks' from today and submit himself for interrogation. Thereafter, he shall be released on bail on him 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.

- (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