

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

**THE HONOURABLE MR. JUSTICE A.HARIPRASAD**

**MONDAY, THE 7TH DAY OF DECEMBER 2015/16TH AGRAHAYANA, 1937**

**Bail Appl..No. 7594 of 2015 ()**  
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**CRIME NO. 3445/2015 OF PERUMBAVOOR POLICE STATION,ERNAKULAM DISTRICT**  
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**PETITIONER/ACCUSED NO.1:**  
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**HARILAL, S/O.BALACHANDRAN,AGED 23 YEARS,  
KALLUR VADAKETHIL HOUSE, PERUMANI KARA,  
ARACKAPPADY VILLAGE, KUNNATHUNADU TALUK,  
ERNAKULAM DISTRICT.**

**BY ADV. SRI.P.B.AJOY**

**RESPONDENT/COMPLAINANT:**  
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**STATE OF KERALA,  
REPRESENTED BY SHO OF PERUMBAVOOR POLICE STATION,  
THROUGH THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA,  
ERNAKULAM.**

**BY PUBLIC PROSECUTOR SMT. R.REMA**

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION  
ON 07-12-2015, THE COURT ON THE SAME DAY PASSED THE  
FOLLOWING:**

**sts**

**A. HARIPRASAD, J.**

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**Bail Appl. No.7594 of 2015**  
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**Dated this the 7<sup>th</sup> day of December 2015**

**O R D E R**

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

2. Petitioner is the 1<sup>st</sup> accused in Crime No.3445 of 2015 of Perumbavoor Police station registered for the offences punishable under Secs.294(b), 354B, 427 and 324 read with Sec.34 of the Indian Penal Code. Prosecution case in short is that, the petitioner, on 28.08.2015 at about 3.30 p.m., restrained the defacto complainant who was proceeding to the nearby Police station for filing a complaint against the petitioner and other accused for teasing and pestering her. At that time, the petitioner abused her, tore her churidar and touched on the private parts of her body.

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

4. Learned counsel for the petitioner submitted that there was previous enmity between the petitioner and the defacto complainant and the petitioner is falsely

implicated in this case.

5. Learned Public Prosecutor opposed the bail application.

6. I have perused the materials in the case diary and also the order passed by the learned Sessions Judge. Considering the fact that there are direct imputations against the petitioner, I do not find that this is a fit case to invoke the extra ordinary jurisdiction under Sec.438 Cr.P.C.

In the result, the bail application is dismissed.

Sd/-  
**A. HARIPRASAD**  
**JUDGE**

/ True Copy /

NS/07/12/2015

P.A. To Judge