

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

TUESDAY, THE 15TH DAY OF DECEMBER 2015/24TH AGRAHAYANA, 1937

Bail Appl..No. 7861 of 2015 ()

CRIME NO. 1431/2015 OF ERNAKULAM TOWN SOUTH POLICE STATION, ERNAKULAM

PETITIONER/ACCUSED :

**M.T.JOSE @ JOSE MAVELI, AGED 64 YEARS
S/O. THOMAS, CHAIRMAN, "JANASEVA SISUBHAVAN"
ALUVA, RESIDING AT MAVELI HOUSE, PERIYAR HERMITTAGE
THAIKKATTUKARA P.O., ALUVA.**

BY ADV. SRI.C.UNNIKRISHNAN (KOLLAM)

RESPONDENTS/COMPLAINANT :

**1. STATE OF KERALA
REPRESENTED BY THE S.I. OF POLICE, EZHUKONE
THROUGH PUBLIC PROSECUTOR, HIGH COURT OF KERALA
ERNAKULAM.**

**2. THE S.I. OF POLICE
EZHUKONE POLICE STATION.**

R1 & R2 BY PUBLIC PROSECUTOR SMT. LALIZA T.Y.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 15-12-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Mn

A.HARIPRASAD, J.

B.A.No.7861 of 2015

Dated this the 15th day of December, 2015

ORDER

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

2. Petitioner is the 2nd accused in Crime No.1431 of 2015 of the Ernakulam Town South Police Station registered for the offences punishable under Sections 448, 354, 323 and 294(b) r/w Section 34 of the Indian Penal Code.

3. Prosecution case is that the petitioner along with other accused attempted to catch a pet dog reared by the defacto complainant. When resisted, they abused her and outraged her modesty.

4. Heard both sides.

5. Learned counsel for the petitioner contended that the petitioner along with others are engaged in spreading awareness about the menace of stray dogs. They went to Konthuruthy area where a stray dog had savagely bitten a small child. At that time, they spotted a

stray dog. When the dog catcher was about to catch it, the defacto complainant intervened and created a pandemonium. After the arrival of Police only the scene could be controlled. He is not involved any offence in this case.

6. After hearing the learned counsel for the petitioner and the learned Public Prosecutor, I am of the view that materials to attract Section 354 IPC have not been *prima facie* brought out. Hence, the following directions are issued:

- (a) The 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 executing a bond for ₹25,000/- (Rupees twenty five thousand only) with two solvent sureties for the like sum to the satisfaction of the Investigating Officer.
- (b) The petitioner shall appear before the

Investigating Officer as and when directed 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) 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