

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

WEDNESDAY, THE 7TH DAY OF JANUARY 2015/17TH POUSHA, 1936

Bail Appl..No. 9031 of 2014

**CRIME NO. 970/2014 OF KOTTAPPADY POLICE STATION,
ERNAKULAM RURAL DISTRICT.**
.....

PETITIONER/ACCCUSED:

**BIJU ANTONY, AGED 40 YEARS,
S/O.ANTONY, MANAYAMBALLIL(H),
KOTTAPPADY, PLAMUDY POST,
KOTHAMANGALAM - 686 692.**

BY ADV. SRI.SIJI ANTONY

RESPONDENT/COMPLAINANT:

- 1. THE STATION HOUSE OFFICER,
KOTTAPPADY POLICE STATION,
ERNAKULAM RURAL DISTRICT,
KOTTAPPADY - 686 692.**
- 2. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**

BY PUBLIC PROSECUTOR SMT.LALIZA.T.Y

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 07-01-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

mbr/

B.KEMAL PASHA, J

B.A. No.9031 of 2014

Dated this the 7th day of January , 2015

O R D E R

Petition under Section 438 Cr.P.C.

2. Petitioner is the accused in Crime No.970 of 2014 of the Kottappady Police station registered for the offences punishable under Sections 451, 427 and 354 of IPC.

3. The allegation against the petitioner is that on 13.11.2014 at 10.30 p.m., the petitioner, who is a neighbour of the defacto complainant woman aged 29 years, trespassed into the courtyard of the house and after damaging and destroying the plastic sheet, by which the window was covered, thrust his hand into the room through the window and caught on the body of the defacto complainant, thereby severely outraging her modesty. She cried aloud. Then, the petitioner left the place and ran away from the spot.

4. Heard learned counsel for the petitioner and learned Public Prosecutor. The contents of the CD *prima*

facie reveal the complicity of the petitioner. According to the learned counsel for the petitioner, the husband of the defacto complainant is in inimical terms with the petitioner in connection with some disputes, as the petitioner is a member of the parish council. Those matters do not weigh with this Court at present while dealing with the application seeking anticipatory bail. The allegations against the petitioner are grave and serious in nature. Considering the seriousness of the allegations raised against the petitioner and the present stage of investigation, I am satisfied that the petitioner is not entitled to the discretionary relief of anticipatory bail.

5. The learned counsel for the petitioner seeks for an opportunity to the petitioner to surrender before the investigating officer and to co-operate with the investigation.

In the result, the bail application is dismissed. At the same time, if so advised, the petitioner may surrender before the investigating officer within ten days from today and in such case, the investigating officer can interrogate the petitioner, effect recovery if any, and conduct the investigation

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and produce the petitioner without delay before the concerned Judicial First Class Magistrate's Court, where the petitioner can move for bail. In such case, the learned Magistrate shall pass appropriate orders, preferably on the same day itself, provided advance notice on such application has been given to the Assistant Public Prosecutor also.

Sd/-
B.KEMAL PASHA,
JUDGE

/ True Copy /

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P.A. To Judge