

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

**PRESENT:**

**THE HONOURABLE MR. JUSTICE B.KEMAL PASHA**

**TUESDAY, THE 6TH DAY OF JANUARY 2015/16TH POUSHA, 1936**

**Bail Appl.No. 9033 of 2014**  
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**CRIME NO. 1246/2014 OF MATTANNUR POLICE STATION, KANNUR**  
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**PETITIONER(S)/ACCUSED:**  
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**BALAKRISHNAN K.V., AGED 55 YEARS,  
S/O RAMAN, KIZHAKKE VEEDU, P.R. NAGAR P.O., VELIYAMBRA,  
CHAVASSERY, KANNUR DISTRICT.**

**BY ADV. SRI.CIBI THOMAS**

**RESPONDENT(S)/COMPLAINANT/STATE:**  
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- 1. SUB INSPECTOR OF POLICE,  
MATTANNUR POLICE STATION - 670 702.**
- 2. THE STATE OF KERALA,  
REPRESENTED THROUGH PUBLIC PROSECUTOR,  
HIGH COURT OF KERALA, ERNAKULAM - 682 031.**

**BY PUBLIC PROSECUTOR SMT.LALIZA T.Y.**

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON  
06-01-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

**msv/**

**B. KEMAL PASHA, J.**

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**B.A.No. 9033 OF 2014**  
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**Dated this the 6<sup>th</sup> day of January, 2015**

**O R D E R**

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Petition under Section 438 Cr.P.C.

2. Petitioner is the accused in Crime No.1246/2014 of Mattannur Police Station, Kannur District registered for the offences punishable under Sections 452 and 354(A)(1)(i) IPC.

3. The allegation against the petitioner is that on 12.12.2014 at about 1 p.m., when the de facto complainant woman, aged 32 years, alone was in her house, the petitioner committed house trespass into the house and caught hold of her by making sexual overtures towards her thereby outraging her modesty. She escaped from his clutches, and ran out of the house. She was chased by him for some time.

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

5. The contents of the CD prima facie reveal the complicity of the petitioner. The allegations against the petitioner are very grave and serious. The investigation of the

case is not over. Considering the seriousness of the allegations and the present stage of the investigation, I am of the view that this is not a fit case, wherein the discretionary relief of anticipatory bail can be granted to the petitioner.

6. In the result, this 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 and conduct the investigation 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.**

ps/6/1/2015

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PA to Judge