

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

FRIDAY, THE 9TH DAY OF JANUARY 2015/19TH POUSHA, 1936

Bail Appl..No. 9191 of 2014 ()

CRIME NO. 512/2014 OF VELLATHOOVAL POLICE STATION, IDUKKI

PETITIONER/2ND ACCUSED :

**RATHEESH P. R. AGED 35 YEARS,
S/O. RAGHAVAN, RESIDING AT PARACKAL HOUSE,
CHITHRAPURAM.P.O., ANACHAL, IDUKKI DISTRICT-685565.**

**BY ADVS.SRI.K.RAMAKUMAR (SR.)
SRI.S.M.PRASANTH
SMT ASHA BABU
SMT AMMU CHARLES**

RESPONDENTS/STATE AND COMPLAINANT :

- 1. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682031.**
- 2. THE STATION HOUSE OFFICER,
VELLATHUVAL POLICE STATION, CHITHRAPURAM.P.O.,
IDUKKI DISTRICT-688565.**

BY PUBLIC PROSECUTOR SMT. LALIZA T.Y.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 09-01-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

bp

B.KEMAL PASHA, J.

B.A.No.9191 of 2014

Dated this the 9th day of January 2015

ORDER

Petition under Section 438 Cr.P.C.

2. Petitioner is the second accused in Crime No.512/2014 of Vellathuval Police Station registered for the offences punishable under Sections 341, 294(b), 323, 506(i), 354 and 308 read with Section 34 of the Indian Penal Code.

3. The allegation against the petitioner is that, on 3.10.2014 at 8.15 p.m., he along with the first accused abused the de-facto complainant and his family members. It is alleged that the de-facto complainant was slapped. The other accused slapped the mother of the de-facto complainant, who was in the car, thereby outraging her modesty.

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

5. The learned senior counsel for the petitioner has pointed out that the de-facto complainant was driving the car and had caused an accident, which invited the intervention of the public in the locality and the inmates of the car being the relatives of a senior Police Officer, the police is now behind the petitioner just for harassing the petitioner. On going through the contents of the C.D., I do not think that custodial interrogation of the petitioner is required for the continued investigation of this case. There is absolutely nothing to be recovered and no weapon is allegedly made use of by the petitioner. Considering the facts and circumstances of the case and the present stage of investigation, I am of the view that this is a fit case wherein anticipatory bail can be granted to the petitioner.

6. In the result, this bail application is allowed and the investigating officer or such other police officer, who is conducting the arrest of the petitioner, is directed to enlarge the petitioner on bail in the event of his arrest on his 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 officer conducting arrest, and subject to the following terms and conditions:-

(i) The petitioner shall report before the investigating officer in between 9 a.m. and 11 a.m. on all Fridays and Tuesdays, commencing from 16.1.2015 for a period of three months or till the filing of the final report in this case, whichever is earlier.

(ii) The petitioner shall not tamper with the evidence or influence witnesses.

(iii) The petitioner shall make himself available for interrogation as and when required by the investigating officer.

(iv) The petitioner shall not involve in any offence while on bail.

It is made clear that the violation of any of the conditions stipulated above will result in the cancellation of bail.

Sd/-
B.KEMAL PASHA,
JUDGE

dl

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PA to Judge