IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE RAJA VIJAYARAGHAVAN V

MONDAY, THE 29TH DAY OF JUNE 2020 / 8TH ASHADHA, 1942

Bail Appl..No.1903 OF 2020

CRIME NO.70/2020 OF MEPPADI POLICE STATION, WAYANAD

PETITIONER/ACCUSED NO.1:

K.H.MUHAMMED,
AGED 63 YEARS,
S/O. K.M. HAMZA, KOKRAMOOCHIKKAL HOUSE,
MEPPADI POST, KOTTAPADI VILLAGE, VYTHIRI TALUK,
WAYANAD DISTRICT, PIN-673577.

BY ADVS.
SRI.K.M.FIROZ
SMT.M.SHAJNA

RESPONDENTS/STATE:

1 **THE STATE OF KERALA**
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM-682031

2 **THE STATION HOUSE OFFICER,**
MEPPADI POLICE STATION, WAYAND DISTRICT-673577.

SRI AJITH MURALI, PUBLIC PROSECUTOR

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 29.06.2020, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER

This application is filed under Section 438 of the Cr.P.C.

2. This application is taken up and heard through Videoconferencing.

3. The petitioner herein is the 1st accused in Crime No.70 of 2020 of the Meppadi Police Station. He is accused of having committed the offence punishable under Sections 341, 323, 354 & 294b r/w. Section 34 of the Indian Penal Code.

4. The prosecution allegation is that on 28.02.2020, the petitioner herein along with two others trespassed into a building, which was leased out by him, and sexually assaulted the de facto complaint, who was working as an employee there. It is further alleged that some others assaulted her from behind and caused pain. Later, she along with the other employees were thrown out and the gate was closed.

5. Sri.K.M.Firoz, the learned counsel appearing for the petitioner, submitted that a certain Abdulla had taken on lease a building owned by the petitioner and known as 'KNH Lodge' situated at Vaduvachal. The petitioner came to know later that a massage parlor was being run in the building against the terms of understanding between the parties. When rent was defaulted, he issued Annexure-A1 notice. In his reply dated 27.2.2020, a copy

of which is produced as Annexure-A2, the aforesaid Abdulla has stated that the petitioner has misbehaved with the women employees. After having stated so, on 27.2.2020, one of the women employees was persuaded to lodge a complaint on 28.2.2020 stating false accusations. He would contend that civil disputes are pending between the parties and that is the reason for raising such accusations.

6. The learned Public Prosecutor has opposed the prayer.

7. I have gone through the materials which are made available by the learned Public Prosecutor.

8. The petitioner is a sexagenarian with no criminal antecedents. The records reveal that the de facto complainant is the employee of the tenant of the petitioner. It is evident from Annexures-1 and 2 that disputes are pending between the landlord and tenant. In the facts and circumstances, I am of the considered opinion that the custodial interrogation of the petitioner is not required for an effective investigation in the instant case.

In the result, this application will stand allowed. The petitioner shall appear before the Investigating Officer within ten days from today and shall undergo interrogation. Thereafter, if he is proposed to be arrested, he shall be released on bail on his executing a bond for a sum of Rs.50,000/- (Rupees Fifty thousand only) with two solvent sureties each for the like sum. The above order shall be subject to the following conditions:

i) The petitioner shall co-operate with the investigation and shall appear before the Investigating Officer on all Saturdays between 9 a.m. and 11 a.m., for two months or till the final report is filed, whichever is earlier.

ii) He shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/ her from disclosing such facts to the court or to any police officer.

iii) He shall not commit any similar offence while on bail.

In case of violation of any of the above conditions, the jurisdictional Court shall be empowered to consider the application for cancellation, if any, and pass appropriate orders in accordance with the law.

Sd/-

RAJA VIJAYARAGHAVAN V

JUDGE

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