IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE RAJA VIJAYARAGHAVAN V

FRIDAY, THE 22ND DAY OF MAY 2020 / 1ST JYAISHTA, 1942

Bail Appl..No.2918 OF 2020

CRIME NO.720/2020 OF OCHIRA POLICE STATION, KOLLAM

PETITIONER:

SONIYA THOMAS
AGED 34 YEARS
W/O. RENJITH KUMAR, CHAITHANYA NAYANAM, THAZHAKARA VILLAGE, ERAVANKARA P O, MAVELIKKARA TALUK, ALAPPUZHA, PIN-690108.,
PRESENTLY RESIDING AT CHEMBASSERIL HOUSE, KANDIYOOR, THATTARAMBALAM P O, MAVELIKARA TALUK, ALAPPUZHA DISTRICT, PIN-690103.

BY ADV. SRI.K.S.HARIHARAPUTHRAN

RESPONDENTS:

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

2 **THE SUB INSPECTOR OF POLICE,**
OCHIRA POLICE STATION, KOLLAM-690526,
THROUGH THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,ERNAKULAM-KOCHI-682031.

SRI T.R RENJITH PUBLIC PROSECUTOR

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 22.05.2020, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER

The petitioner herein is the 2nd accused in Crime No.720 of 2020 of the Oachira Police Station, Kollam registered under Sections 376, 420, 409, 509, 506 (ii) r/w. Section 34 IPC. She has approached this court seeking an order of pre-arrest bail.

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

3. It appears that the petitioner had moved the learned Sessions Judge seeking anticipatory bail and by order dated 29.4.2020, the court below after evaluating the nature of allegations in detail came to the conclusion that the allegation against the petitioner is only one under Section 506 of the IPC, which offence is bailable. The serious allegations levelled by the de facto complainant are against the 1st accused. The only allegation against the petitioner is that she along with the 1st accused had threatened and criminally intimidated the de facto complainant.

4. I have considered the submissions advanced and have heard the learned Public Prosecutor.

5. From the records made available it appears that the prosecution allegation is that the 1st accused, who is a lawyer, sexually assaulted the de facto complainant who was his client. He is also alleged to

have received huge sums of money from the victim. As against the petitioner herein, the allegation is that she is the present lover of the 1st accused and she had also joined the 1st accused in intimidating the victim.

6. The apprehension of the petitioner that she would be arrested and subjected to humiliation cannot be ignored. The fact that she is a lady with no criminal antecedents will also have be taken note of. Having regard to the nature of accusations, the role assigned to the petitioner, I am of the considered opinion that the custodial interrogation of the petitioner is not necessary 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 she is proposed to be arrested, she shall be released on bail on her 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 as and when she is called upon to do so.

ii) She 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 her from disclosing such facts to the court or to any police officer.

iii) She 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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