

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE BECHU KURIAN THOMAS

TUESDAY, THE 2ND DAY OF AUGUST 2022 / 11TH SRAVANA, 1944

BAIL APPL. NO. 5708 OF 2022

CRIME NO.0884/2022 OF Kattappana Police Station, Idukki

PETITIONER/ACCUSED:

ABHILASH V.M
AGED 36 YEARS
S/O. MADHAVAN,
VILANGUPARAYIL HOUSE, VENGALOORRKADA BHAGAM,
NARIAMBARA KARA, KANCHIYAR VILLAGE,
IDUKKI TALUK, PIN - 685511
BY ADVS.
TOM E. JACOB
LIJI.J.VADAKEDOM

RESPONDENTS/STATE AND COMPLAINANT:

- 1 STATE OF KERALA REPRESENTED BY ITS PUBLIC PROSECUTOR
HIGH COURT OF KERALA,
ERNAKULAM, PIN - 682031
- 2 SUB INSPECTOR OF POLICE
KATTAPPANA POLICE STATION,
KATTAPPANA, IDUKKI DISTRICT, PIN - 685508
BY ADV PUBLIC PROSECUTOR

SRI.NOUSHAD K.A.

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
02.08.2022, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

BECHU KURIAN THOMAS, J.

B.A.NO. 5708 of 2022

Dated this the 2nd day of August, 2022

ORDER

This is an application for pre-arrest bail filed under Section 438 of the Code of Criminal Procedure, 1973.

2. Petitioner is the accused in Crime No.884 of 2022 of Kattappana Police Station, Idukki District alleging offences under Sections 294(b), 323, 324 and 354 of the Indian Penal Code, 1860.

3. The prosecution case is that on 23-06-2022, the accused uttered obscene words and slapped on the face and hit on various parts of the body of the defacto complainant and outraged her modesty and thereby committed the offences alleged against him.

4. Sri. Tom E.Jacob, the learned counsel for the petitioner contended that the entire prosecution case is false and that the complaint has been raised on account of a property dispute pending between the petitioner and the defacto complainant as O.S. No.22 of 2011 before the Munsiff Court, Kattappana

5. Sri. Noushad K.A, the learned Public Prosecutor opposed the grant of anticipatory bail and submitted that custodial interrogation of the petitioner is necessary.

6. On a consideration of the circumstances arising in the case and on an appreciation of the arguments of either Counsel, though the allegations are serious in nature, I am of the view that petitioner is entitled to be released on bail in the event of his arrest on conditions, since custodial interrogation is not required.

Accordingly, this application is allowed on the following conditions:

(i) Petitioner shall appear before the Investigating Officer on 10-08-2022 and shall subject himself to interrogation.

(ii) If after interrogation, the Investigating Officer proposes to arrest the petitioner, then, he shall be released on bail on him executing a bond for Rs.50,000/- (Rupees fifty thousand only) with two solvent sureties each for the like sum before the Investigating Officer.

(iii) Petitioner shall appear before the Investigating Officer as and when required and shall also co-operate with the investigation.

(iv) Petitioner shall not intimidate or attempt to influence the witnesses; nor shall he tamper with the evidence or contact the victim or her family members;

(v) Petitioner shall not commit any similar offences while he is on bail.

(vi) Petitioner shall not leave India without the permission of the Court having jurisdiction.

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, notwithstanding the bail having been granted by this Court.

**BECHU KURIAN THOMAS
JUDGE**

AJM/3/8/22