

Sasikumar T.N. Vs. Travancore Devaswom Board

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Court : Kerala

Decided On : Oct-04-2013

Judge : Honourable Mr.Justice T.R.Ramachandran Nair

Appellant : Sasikumar T.N.

Respondent : Travancore Devaswom Board

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE P.BHAVADASAN FRIDAY,THE4H DAY OF OCTOBER201312TH ASWINA, 1935 Bail Appl..No. 4711 of 2013 ()
----- CRIME NO. 339/2013 OF BALARAMAPURAM POLICE STATION , THIRUVANANTHAPURAM DISTRICT -----
PETITIONER/ACCUSED: ----- K.ASOK KUMAR, S/O. KUTTAPPAN PILLAI, AGED41YEARS, SOORYAMANGALAM VEEDU, PIRAYAMMODU, CHEMKAL, NEYYATTINKARA (EMPLOED AS CASHIER, STATE BANK OF TRAVANCORE, NEYYATTINKARA BRANCH). BY ADVS.SRI.SHAIJAN C.GEORGE SMT.S.REKHA KUMARI SRI. AJITH M.T. SMT.SAJITHA GEORGE RESPONDENTS/COMPLAINANT:
----- 1. STATE OF KERALA, REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM.PIN-682 031 *ADDL.R2 IMPEADED *R2: SMT. PRASANTHA @ SASIKALA,AGED38YEARS, D/O. SUSEELA, RESIDING AT MEKKADAKONAM, PLANKALA HOUSE, VEDIVECHAN KOVIL, PALLICHAL VILLAGE,

NEYYATTINKARA, THIRUVANANTHAPURAM, PRESENTLY AT SANJEEV NIVAS, MUDAVURPARA, PALLICHAL, NEYYATTINKARA, THIRUVANANTHAPURAM. *ADDL.R2 IMPEADED AS PER

ORDER

DATED 117/2013 IN CRL.M.A.NO.5570/2013 IN B.A.NO.4711/2013 R1 BY PUBLIC PROSECUTOR SRI.DHANESH MATHEW MANJOORAN ADDL.R2 BY ADV. SRI.GOVIND PADMANAABHAN SRI.G.P.SHINOD SRI.PUNCHAKKARY G.REVEENDRAN NAIR SRI.RAM MOHAN.G. SRI.MANU V. THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 0410-2013, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: sts P.BHAVADASAN, J.

----- B.A. No. 4711 of 2013 -----
----- Dated this the 04th day of October, 2013 -----

ORDER

The allegation against the petitioner is that he has committed the offences punishable under Sections 451 and 376 of the Indian Penal Code. The date of offence is 26.10.2012 and the time of incident is at 10.00 a.m..

2. The petitioner is an employee of State Bank of Travancore. According to the allegation against the petitioner, promising to give a loan to a lady, he gained acquaintance with her and ultimately, it resulted in ravishing her. When the issue became serious and public, it is alleged that the petitioner entered into an agreement with the defacto complainant whereby he promised to pay a sum of 5 lakhs and to give quietus to the issue. An agreement was entered into and that was not honoured by the petitioner and then she laid a complaint. B.A. No.4711/2013 -2- 3. The petitioner would say that the complaint is not binding on him since it is the result of threat, coercion and intimidation and is vitiated. According to him, this is a ploy adopted by a lady to squeeze money out of coercion and she has, on a previous occasion, utilized her daughter for the same purpose. The petitioner would say that he has not committed any act as alleged and he has been trapped into a clever plan employed by the so called husband of

the victim and another friend of the victim. The petitioner would say that he was made to go over to the house of the defacto complainant and when he was there, the husband of the victim played a drama and he was forced to execute an agreement. He denies of having committed any act as alleged and says that he is innocent. He seeks pre-arrest bail.

4. At the instance of this Court, the victim was impleaded in this case and she was represented by a counsel. The learned counsel appearing for the defacto B.A. No.4711/2013 -3- complainant pointed out that even going by the averments in the petition, it is clear that there is something between the petitioner and the victim. Drawing attention to the reply notice produced along with Crl.M.A. 5570/2013, it is contended by the learned counsel that the petitioner has no consistent case. In reply notice to the notice sent by the victim, he totally denies the incident whereas the petitioner has a different story. The attempt of the petitioner is to wriggle out of the agreement and to deny the payment to the victim.

5. The learned Public Prosecutor pointed out that the investigation is only just commenced and it may not be appropriate for this Court to grant anticipatory bail to the petitioner.

6. After having heard the learned counsel for the petitioner and the learned Public Prosecutor and having perused the records, and also having heard the counsel for the victim, it is not possible at this point of time to come to B.A. No.4711/2013 -4- the conclusion that the petitioner is totally innocent. The fact remains that there is an agreement entered into by him and the victim whereby he undertook to pay 5 lakhs for the outrageous act committed by him. He would say that it is as a result of the threat and intimidation, he was trapped. It is clear that the reply notice alleged to have been sent by the petitioner in reply to the notice issued by the victim is false. There, he has altogether a different story to say. He totally denies of having any relationship as such with the victim. In fact, he would go to the extent of saying that a blank signed paper was obtained by him and that was misused. It would appear that the petitioner has no consistent case. Whatever that be, considering the nature of act alleged to have been committed by the accused, the severity of the offence and also the fact that the investigation is at an infant stage

preclude this Court from exercising its extraordinary jurisdiction in favour of the petitioner. B.A. No.4711/2013 -5- The petition is accordingly dismissed. Sd/- P.BHAVADASAN JUDGE ds //True Copy// P.A. To Judge B.A. No.4711/2013 -6- P.BHAVADASAN, J.

----- B.A. No. 4711 of 2013 -----
----- Dated this the 12th day of August, 2013

ORDER

On the basis of a complaint laid by the defacto complainant, the accused is alleged to have committed the offences punishable under Sections 451 and 376. According to the petitioner, the agreement on the basis of which now strength is drawn by the defacto complainant was entered into under threat, coercion or intimidation and he has not done any such act as alleged nor he is liable to pay any amount.

2. The petitioner has also produced a copy of the complaint said to have been sent by his wife to the DGP. In the said complaint, it is seen that the petitioner claims to have replied to the notice sent by the defacto complainant. Neither the copy of the said reply nor anything to show that the reply was sent has been produced so far. B.A. No.4711/2013 -7- The learned counsel appearing for the petitioner prays for time to produce the necessary documents. Post after a week. P.BHAVADASAN JUDGE ds

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