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**Vijith M. Vs. the State of Kerala**

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**SooperKanoon Citation** : sooperkanoon.com/1094440

**Court** : Kerala

**Decided On :** Oct-07-2013

**Judge** : Honourable Mr.Justice P.Bhavadasan

**Appellant** : Vijith M.

**Respondent** : The State of Kerala

**Judgement** :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE P.BHAVADASAN MONDAY,THE7H DAY OF OCTOBER201315TH ASWINA, 1935 Bail Appl..No. 6585 of 2013 () ---------- CRIME NO. 1109/2013 OF HOSDURG POLICE STATION , KASARGOD ---------- PETITIONER/ACCUSED: ---------- VIJITH M, AGED21YEARS, S/O.VIMALAN M, MARAKKAPPU KADAPPURAM, THAIKKADAPPURAM P.O, NILESWAR, KASARAGOD DISTRICT. BY ADV. SMT.T.SUDHAMANI RESPONDENT/COMPLAINANT: ---------- THE STATE OF KERALA REP.BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM. BY PUBLIC PROSECUTOR SRI.DHANESH MATHEW MANJOORAN THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON0710-2013, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: PJ P.BHAVADASAN, J.

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ORDER

The petitioner stands accused of having committed the offences punishable under Sections 341, 323 and 354 of IPC.

2. The petitioner is alleged to have manhandled the victim and also tried to outrage the modesty of the victim.

3. The petitioner would say that he is totally innocent and has been falsely implicated. In respect to a monetary transaction between the mother of the petitioner and the defacto complainant, there was a quarrel between the two and the petitioner has only intervened to pacify them. That act committed by the petitioner has been given a distorted version and false allegation has been made against him. He claims to be innocent and seeks pre-arrest bail.

4. The learned Public Prosecutor only pointed out that the investigation is at an infant stage. B.A. No. 6585/2013 -2- 5. After having heard the learned counsel for the petitioner and the learned Public Prosecutor and having perused the records, there seems to be some force in the submissions made by the learned counsel for the petitioners that the incident arose out of a monetary transaction between the mother of the petitioner and the defacto complainant. A deeper probe into the veracity of the allegations is not warranted at this point of time.

6. Considering the nature of allegations against the petitioner, the act committed by him etc., it is felt that this is a fit case where extraordinary jurisdiction of this Court needs to be exercised in favour of the petitioner. The petition is allowed as follows:

1. The petitioner shall surrender before the Investigating Officer on or before 11.10.2013, who, after interrogation, shall produce him before the JFCM court concerned, which court, on an application for bail being moved by the petitioner shall release him on bail on his executing a bond B.A. No. 6585/2013 -3- for a sum of `10,000/- (Rupees Ten Thousand only) with two solvent sureties for the like sum

each to the satisfaction of the said court. 2) The court shall ensure the identity of the sureties and the veracity of the tax receipts, before granting bail. 3) The petitioner shall appear before the Investigating Officer on every Wednesday between 9.00 am to 10.00 am until further orders. 4) The petitioner shall not tamper or attempt to tamper with the evidence and influence or try to influence the witnesses. 5) If any of the conditions is violated, the bail granted shall stand cancelled and the court concerned, of being satisfied of the said fact, may take such proceedings as are available in law. P.BHAVADASAN JUDGE ds

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