

Lal Vs. State of Kerala

Lal Vs. State of Kerala

SooperKanoon Citation : sooperkanoon.com/1118882

Court : Kerala

Decided On : Jan-10-2014

Judge : Honourable Mr.Justice P.Bhavadasan

Appellant : Lal

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE P.BHAVADASAN FRIDAY,THE10H DAY OF JANUARY201420TH POUSHA, 1935 Bail Appl..No. 8661 of 2013 () ----- CRIME NO. 920/2013 OF VANDIPERIYAR POLICE STATION , IDUKKI PETITIONER/ACCUSED: ----- LAL, AGED48YEARS S/O.KURIAN, KOCHUPARAMBIL, CHOTTUPARA KARA PERIYAR VILLAGE, PEERMADE TALUK. BY ADV. SRI.BIJU .C. ABRAHAM RESPONDENTS/ STATE & COMPLAINANT: ----- 1. STATE OF KERALA, REPRESENTED BY THE PUBLIC PROSECUTOR HIGH COURT OF KERALA, ERNAKULAM - 682 031.

2. THE SUB INSPECTOR OF POLICE VANDIPERIYAR POLICE STATION IDUKKI DISTRICT - 685 602. BY PUBLIC PROSECUTOR SRI. P.P. DHANESH MATHEW MANJOORAN THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON1001-2014, THE COURT ON THE SAME DAY PASSED THE

FOLLOWING: sp P. BHAVADASAN, J.

----- B.A. No.8661 of 2013 -----

Dated this the 10th day of January, 2014.

ORDER

Petitioner is the sole accused in Crime No.920 of 2013 of Vandiperiyar Police Station, who is alleged to have committed offences punishable under Sections 354,354(A)1(i)(ii),354(B),452, 506(II) read with Section 34 of the Indian Penal Code.

2. The allegation against the petitioner is that, on the date of incident with the support of the husband of the defacto complainant, the petitioner attempted to sexually abuse the defacto complainant.

3. The petitioner would say that the allegations are totally false and made with ulterior motive. It is pointed out that the complaint has been lodged long after the incident and that would show the falsity of the case.

4. The learned Public Prosecutor only pointed out that the investigation at an infant stage.

5. On an earlier occasion this petition came up for hearing this Court had occasions to notice that in the complaint filed by the defacto complainant she had mentioned that she had earlier complained to the police, but the police had not taken any action, which compelled her to approach this Court. This Court therefore B.A. No.8661 of 2013 2 directed the learned Public Prosecutor to ascertain whether the above statement is true. On instructions the learned Public Prosecutor would say that no complaint has been filed regarding the incident at all. Under these circumstances, it is felt that this is a fit case where the extraordinary jurisdiction of this Court needs to be exercised in favour of the petitioner. Therefore, this application is allowed on the following conditions: i) The petitioner shall surrender before the Investigating Officer on or before 20.01.2014 who, after interrogation, shall produce him before the Court concerned, which court, on application for bail being moved by the petitioner, shall release him on bail on his

executing a bond for a sum of Rs.15,000/- (Rupees Fifteen Thousand only) with two solvent sureties for the like sum each to the satisfaction of the Court concerned. ii) The Court concerned shall ensure the identity of the sureties and also the veracity of the tax receipts produced by him. iii) The petitioner shall report before the Investigating Officer on every Wednesday between 9 a.m and 10 a.m until further orders. B.A. No.8661 of 2013 3 iv) The petitioner shall not tamper or attempt to tamper with the evidence or influence or try to influence the witness. vi) If any of the conditions is violated, the bail granted shall stand cancelled and the Court concerned, on being satisfied of the said fact, may take such steps as are available to it in law. P. BHAVADASAN, JUDGE sp

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com