

**Anoob .K Vs. State of Kerala**

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**SooperKanoon Citation :** [sooperkanoon.com/1129739](http://sooperkanoon.com/1129739)

**Court :** Kerala

**Decided On :** Feb-25-2014

**Judge :** Honourable Mr.Justice N.K.Balakrishnan

**Appellant :** Anoob .K

**Respondent :** State of Kerala

**Judgement :**

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE N.K.BALAKRISHNAN TUESDAY, THE 25<sup>TH</sup> DAY OF FEBRUARY 2014 6<sup>TH</sup> PHALGUNA, 1935 Bail Appl..No. 1318 of 2014 ()  
----- CRIME NO. 112/2014 OF ANCHALUMMOODU POLICE STATION , KOLLAM ACCUSED(S)/ACCUSED NO.1-4:  
----- 1. ANOOB .K, AGED 21 YEARS S/O.KUNJUMOLE, THEKKEVILA THEKKATHIL, NJARAKKAL PERINADU(P.O), KOLLAM DISTRICT.

2. ANANTHU.K, AGED 20 YEARS S/O.KUNJUMOLE, THEKKEVILA THEKKATHIL, NJARAKKAL PERINADU(PO), KOLLAM DISTRICT.

3. ARUN KUMAR K., AGED 19 YEARS S/O.KUNJUMOLE, THEKKEVILA THEKKATHIL, NJARAKKAL PERINADU(PO), KOLLAM DISTRICT.

4. MANOJ.M, AGED 22 YEARS S/O.MANI, THEKKEVILA THEKKATHIL, NJARAKKAL PERINADU(PO), KOLLAM DISTRICT. BY ADVS.SRI.S.S.RAJESH

SRI.D.SHAJI

COMPLAINANT(S)/RESPONDENT:

----- STATE OF KERALA, THROUGH SUB  
INSPECTOR OF POLICE ANCHALUMMOODU POLICE STATION, KOLLAM  
DISTRICT REPRESENTED BY PUBLIC PROSECUTOR HIGH COURT OF  
KERALA, ERNAKULAM. R BY PUBLIC PROSECUTOR, SRI. RAJESH VIJAYAN  
THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 25-02-2014,  
THE COURT ON THE SAME DAY PASSED THE FOLLOWING: **das N.K.**  
**BALAKRISHNAN, J.**

----- B.A. No. 1318 of 2014 (D)  
----- Dated this the 25th day of February, 2014

## ORDER

Petitioners are accused in Crime No. 112/2014 of Anchalumood Police Station, Kollam District. Offences alleged are under sections 452, 294(b), 324, 341 and 354 r/w 34 of IPC. Apprehending arrest, this petition is filed for anticipatory bail.

2. The learned Public Prosecutor submits that subsequently section 452 of IPC was altered to section 448 of IPC. The allegation is that on 18.12.2013 at 8.00 pm, the complainant and others were attacked by the accused persons and voluntarily caused hurt to her and also outraged her modesty.

3. The learned counsel for the petitioners submits that this case has been filed only to avoid the case filed against them. It is stated that since the Police did not take any action against the complainant and others, the B.A. No.1318/2014 (D) -2- petitioner's mother filed a complaint before the learned Magistrate alleging offences including section 3(1)(x) of SC/ST (Prevention of Atrocities) Act.

4. Considering all the aspects the following directions are issued: The petitioners shall surrender before the Investigating Officer within seven days from today. After interrogation the accused shall be produced before the learned Magistrate. When applied for bail by the accused, the learned Magistrate will, considering the nature of the case, grant bail to the petitioners but on the following conditions: a. The petitioners shall execute a bond for Rs.20,000/- (Rupees Twenty thousand only)

each with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate. If in case the Magistrate has any doubt about the genuineness or correctness of the tax receipts produced by the B.A. No.1318/2014 (D) -3- sureties, the learned Magistrate can insist for production of the attested photo copies of the original title deeds of the sureties. b. The petitioners shall make themselves available for interrogation by the Investigating Officer and shall appear before the Investigating Officer on all Mondays and Fridays between 9.30 AM to 11.30 AM until further orders. c. The petitioners shall surrender their original passports before the learned jurisdictional Magistrate. If they are not having any valid passport, they should file an affidavit regarding the same before the Magistrate. d. The petitioners will also file an affidavit that they will abide by all the conditions as mentioned above and that they will not commit any offence similar to the offence involved in this case and will not directly or indirectly make any inducement, threat or B.A. No.1318/2014 (D) -4- promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer or tamper with the evidence. e. The petitioners shall not leave India without the prior permission of the learned Magistrate. f. The learned Magistrate will also ensure the identity of the sureties by insisting production of electoral photo identity cards/Driving licence etc. Sd/- N.K. BALAKRISHNAN, JUDGE //True Copy// P.A. to Judge jjj

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