

Bipin vs State of Kerala

Bipin vs State of Kerala

SooperKanoon Citation : sooperkanoon.com/1348553

Court : Kerala

Decided On : Mar-31-2023

Judge : Honourable Dr. Justice Kauser Edappagath

Appeal No. : Bail Appl./2433/2023

Appellant : BIPIN

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE DR. JUSTICE KAUSER EDAPPAGATH
FRIDAY, THE 31ST DAY OF MARCH 2023 / 10TH CHAITHRA, 1945
CRIME NO.213 OF 2023 OF CHANDERA POLICE STATION
PETITIONERS/ACCUSED NOS.1 AND 2: 1 BIPIN AGED 28 YEARS
SON OF BALAN.T.V, R/AT PUTHIYAPURAYIL, BEECHARAKKADAVU,
PADANNAKADAPPURAM.P.O, HOSDURG TALUK, KASARAGOD
DISTRICT., PIN - 671310 2 NARAYANAN AGED 65 YEARS SON OF
AMBU, BEECHARAKKADAVU, PADANNAKADAPPURAM.P.O,
HOSDURG TALUK, KASARAGOD DISTRICT., PIN - 671310 BY ADVS.
A.ARUNKUMAR S.SHYAM KUMAR HEERAKRISHNA T.H. SACHIN
GEORGE ARAMBAN RESPONDENT/COMPLAINANT/STATE: STATE

OF KERALA REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA, PIN - 682031 SRI.M.P.PRASANTH P.P THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 31.03.2023, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER

This application is filed u/s 438 of the Code of Criminal Procedure seeking pre-arrest bail.

2. The applicants are the accused Nos.1 and 2 in Crime No.213/2023 of Chandra Police Station. The offences alleged are punishable under Sections 341, 354, 451, 324 r/w 34 of IPC.

3. The prosecution case, in short, is that on 02.03.2023 at

06.30 p.m., the applicants trespassed into the house of the de facto complainant, assaulted her and her parents, pulled the maxi worn by the de facto complainant with an intention to outrage her modesty and thereby committed the above said offences.

4. I have heard Sri.A.Arunkumar, the learned counsel for the applicants and Sri.M.P.Prasanth, the learned Public Prosecutor. Perused the case diary.

5. The learned counsel for the applicants submitted that the

applicants are innocent and have been falsely implicated in the present case. The counsel further submitted that no materials are on record to connect the applicants with the alleged crime; hence, they are entitled to get bail. The learned Public Prosecutor, on the other hand, submitted that the alleged incident occurred as a part of the intentional criminal

acts of the applicants, and if they are released on bail at this stage, it will affect the course of the investigation.

6. A reading of the FIS would show that the applicants and the

de facto complainant are not in good terms. On the date of the incident in the morning also, there was another incident. The applicants alleged to have pulled the maxi worn by the de facto complainant during the scuffle. There is nothing to suggest that the said act was done by the applicants with intent to outrage her modesty, so as to attract Section 354 of IPC which is the only non bailable offence alleged. The applicants have no criminal antecedents. Considering the allegations levelled against the applicants, their custodial interrogation does not appear to be necessary. For these reasons, it is a fit case where pre- arrest bail can be granted to the applicants.

In the result, the application is allowed on the following conditions:-

(i) The applicants shall be released on bail in the event of their

arrest on executing a bond for Rs.1,00,000/- (Rupees One lakh only) each with two solvent sureties for the like sum each to the satisfaction of the arresting officer/investigating officer, as the case may be.

(ii) The applicants shall fully cooperate with the investigation, including subjecting themselves to the deemed police custody for discovery, if any, as and when demanded.

(iii) The applicants shall appear before the investigating officer between 10.00 a.m. and 11.00 a.m. every Saturday until further orders. They shall also appear before the investigating officer as and when required.

(iv) The applicants shall not commit any offence of a like nature while on bail.

(v) The applicants shall not attempt to contact any of the

prosecution witnesses, directly or through any other person, or in any other way try to tamper with the evidence or influence any witnesses or other persons related to the investigation.

(vi) The applicants shall not leave the State of Kerala without the permission of the trial Court.

(vii) The application, if any, for deletion/modification of bail conditions or cancellation of bail on the grounds of violating the bail conditions shall be filed at the jurisdictional court. Sd/- DR.KAUSER EDAPPAGATH, JUDGE AS

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