

Ansar vs State of Kerala

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Court : Kerala

Decided On : Feb-03-2022

Judge : Honourable Mr. Justice Gopinath P.

Appeal No. : Bail Appl./406/2022

Appellant : ANSAR

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE GOPINATH P.
THURSDAY, THE 3RD DAY OF FEBRUARY 2022 / 14TH MAGHA,
1943 BAIL APPL. NO. 406 OF 2022 CRIME NO.53/2022 OF PUNALUR
POLICE STATION PETITIONER/ACCUSED 1 AND 2: 1 ANSAR AGED
46 YEARS 2 ANSHAJ AGED 40 YEARS BY ADV K.V.ANIL KUMAR
RESPONDENT/COMPLAINANT: STATE OF KERALA REPRESENTED
BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM-682031. ADV RENJITH -SR.PP THIS BAIL
APPLICATION HAVING COME UP FOR ADMISSION ON 03.02.2022,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:
BAIL APPL. NO. 406 OF 2022 2

ORDER

This is an application for anticipatory bail.

2. Petitioners are the accused in Crime No.53/2022 of Punalur police station, alleging commission of offences under Sections 294(b), 323, 447, 354, 452 r/w.34 of the Indian Penal Code.

3. The de facto complainant is none other than the sister-in-

law of the petitioners. Allegation against the petitioners is that, they trespassed into the house of their brother, used abusive words, and when the de facto complainant intervened, the 1st accused caught hold of her private parts, tore off her dress and tried to outrage her modesty . It is alleged that the 2 nd petitioner kicked her on her abdomen.

4. Learned counsel appearing for the petitioners would

submit that the allegations have been raised against the petitioners by the de facto complainant only on account of family disputes. It is submitted that the 1st petitioner in the case has already been arrested and this application has become infructuous in so far as it relates to the 1st petitioner. It is submitted that the allegations are completely false and the petitioners had no occasion to commit any offence of the nature alleged as against the de facto complainant. It

BAIL APPL. NO. 406 OF 2022 3 is submitted that considering the nature of the allegations, the custodial interrogation of the 2nd petitioner is not necessary.

5. I have heard the learned Public Prosecutor also. Learned Public Prosecutor points out the nature of the allegations against the petitioners with reference to the First Information Statement of the de facto complainant. It is submitted that the allegations are fairly serious and the 2nd petitioner is not entitled to anticipatory bail.

6. Having regard to the facts and circumstances of the case and considering the nature of the allegations, I am of the opinion that anticipatory bail can be granted

to the 2nd petitioner subject to strict conditions.

In the result, this application is allowed. It is directed that the 2nd petitioner shall be released on bail, in the event of arrest in crime No.53/2022 of Punalur police Station subject to the following conditions:-

(i) The 2nd petitioner shall execute bond for a sum of Rs.50,000/- (Rupees fifty thousand only) with two solvent sureties each for the likesum to the satisfaction of the jurisdictional Court; BAIL APPL. NO. 406 OF 2022 4

(ii) The second petitioner shall appear before the investigating officer in Crime No.53/2022 of Punalur Police station at 09.00 am on 08.02.2022 and thereafter as and when called upon to do so;

(iii) The 2nd petitioner shall not attempt to contact the de facto complainant or interfere with the investigation or to influence or intimidate any witness in Crime No.53/2022 of Punalur police station;

(iv) The 2nd petitioner shall not involve in any other crime while

on bail. If any of the aforesaid conditions are violated, the investigating officer in Crime No.53/2022 of Punalur police station may file an application before the jurisdictional Court, for cancellation of bail. The bail application in so far as it relates to the 1 st petitioner will stand dismissed. sd/- GOPINATH P. JUDGE ajt

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