

M.S.Sumesh vs State of Kerala

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Court : Kerala

Decided On : Mar-15-2022

Judge : Honourable Mr. Justice Gopinath P.

Appeal No. : Bail Appl./467/2022

Appellant : M.S.Sumesh

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE GOPINATH P.
TUESDAY, THE 15TH DAY OF MARCH 2022 / 24TH PHALGUNA, 1943
BAIL APPL. NO. 467 OF 2022 crime No.44/2022 of Chirayinkeezhu
police station PETITIONER/ACCUSED: M.S.SUMESH AGED 38 YEARS
SAROJA MANDIRAM, PURAVOOR, CHIRAYINKEEZHU.P.O.,
THIRUVANANTHAPURAM DISTRICT, PIN - 695304 BY ADV P.ANOOP
(MULAVANA) RESPONDENT/STATE: 1 STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR,HIGH COURT OF
KERALA ERNAKULAM, PIN - 682031 2 STATION HOUSE OFFICER,
AGED 41 YEARS CHIRAYINKEEZHU POLICE
STATION,THIRUVANANTHAPURAM DISTRICT, PIN - 695304 BY ADV

PUBLIC PROSECUTOR SRI. NOUSHAD K.A. (SR.PP) THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 15.03.2022, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:
BAIL APPL. NO. 467 OF 2022 2

ORDER

This is an application for anticipatory bail.

2. Petitioner is the accused in Crime No.44/2022 of

Chirayinkeezhu police station, alleging commission of offences under Sections 294(b), 506(ii), 324 and 326 of the Indian Penal Code and Section 92(b) of the Rights of Persons with Disabilities Act and Section 3(2)(v)(a) of the Scheduled Castes and Scheduled Tribes Act.

3. Allegation against the petitioner is that he attacked the de facto complainant along with other persons and caused injuries to him and thereby he committed the offences alleged

4. Learned counsel appearing for the petitioner

submits that the de facto complainant is a regular nuisance in the locality and it was his habit to peep into the bath rooms when ladies are taking bath and on 14.01.2022, at 08.00 pm, he attempted to do the same when the sister of the petitioner was taking her bath and he also attempted to outrage her modesty. It is submitted that he was caught red-handed and questioned by the petitioner and others in the locality. It is submitted that a crime has been registered against the de facto complainant

BAIL APPL. NO. 467 OF 2022 3 in that regard. It is submitted that thereafter, a false case has been registered against the petitioner as crime No.44/2022 of Chirayinkeezhu police station.

5. Though a notice of this bail application was served on the de facto complainant, there is no appearance for him.

6. I have heard the learned Public Prosecutor also.

Learned Public Prosecutor pointed out the circumstances of the case as appearing from the records and submits that the petitioner is not entitled to anticipatory bail.

7. Having regard to the facts and circumstances of the

case, I am of the opinion that anticipatory bail can be granted to the petitioner subject to strict conditions, especially considering the fact that no criminal antecedents are reported. In the result, this application is allowed. It is directed that the petitioner shall be released on bail, in the event of arrest in crime No.44/2022 of Chirayinkeezhu police Station subject to the following conditions:-

(i) 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;

(ii) Petitioner shall appear before the investigating officer BAIL APPL. NO. 467 OF 2022 4 in Crime No..44/2022 of Chirayinkeezhu Police station as and when summoned to do so;

(iii) The 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.44/2022 of Chirayinkeezhu police station;

(iv) The 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. 44/2022 of Chirayinkeezhu police station may file an application before the jurisdictional Court, for cancellation of bail. sd/- GOPINATH P. JUDGE ajt

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