

Mohanan vs State of Kerala

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Court : Kerala

Decided On : May-31-2021

Judge : Honourable Mr. Justice Raja Vijayaraghavan V

Appeal No. : Bail Appl./430/2021

Appellant : Mohanan

Respondent : State of Kerala

Judgement :

BAIL APPL. NO. 430 OF 2021 1

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE RAJA VIJAYARAGHAVAN V MONDAY, THE 31ST DAY OF MAY 2021 / 10TH JYAISHTA, 1943 BAIL APPL. NO. 430 OF 2021 PETITIONER/S: MOHANAN AGED 52 YEARS S/o.LATE KRISHNAN , MOOCHIKOOTATHIL HOUSE, ANAKKARA POST, PATTAMBI TALUK PALAKKAD DISTRICT -679 551 PALAKKAD, PIN - 679551 BY ADV K.MOHANAKANNAN RESPONDENT: STATE OF KERALA REPRESENTED BY PUBLIC PROSECUTOR,HIGH COURT OF KERALA ERNAKULAM, PIN - 682031 SMT SREEJA P-PUBLIC PROSECUTOR THIS BAIL APPLICATION HAVING COME UP FOR

ADMISSION ON 31.05.2021, THE COURT ON THE SAME DAY
DELIVERED THE FOLLOWING: BAIL APPL. NO. 430 OF 2021 2

ORDER

This application is filed under Section 438 of the Code of Criminal Procedure.

2. The applicant herein is the accused in Crime No.641/2020 of the Thrithala Police Station, registered under Sections 341 and 354 of Indian Penal Code .

3. The de facto complainant is a door to door salesperson. On 27-

11-2020 at about 13.30 pm, while she was proceeding for work, the petitioner is alleged to have followed her and with intent to assault her modesty hugged her from behind. She managed to escape from the clutches of the petitioner and made good her escape. When she returned to get back her bag which was left behind, the petitioner is alleged to have caught her hand.

4. The learned counsel appearing for the applicant submitted that the applicant is innocent of all allegations. According to the learned counsel, no incident of the nature alleged had taken place.

5. The learned Public Prosecutor has opposed the prayer.

6. I have considered the submissions and have carefully evaluated

the records. The applicant is not reported to be a person with criminal antecedents. No serious injuries are seen to have been sustained by the victim. Having considered the facts and circumstances, I am of the view BAIL APPL. NO. 430 OF 2021 3 that the custodial interrogation of the applicant is not necessary for an effective investigation in the instant case. In the result, this application will stand allowed, however, the same

shall be subject to the following conditions. The applicant shall appear before the Investigating Officer within ten days from today and shall undergo interrogation. Thereafter, if he is proposed to be arrested, he shall be released on bail on his executing a bond for a sum of Rs.50,000/- (Rupees Fifty thousand only) with two

solvent sureties each for the like sum. The above order shall be subject to the following conditions:

i) The applicant shall co-operate with the investigation and shall appear before the Investigating Officer on all Saturdays between 9 a.m. and 11 a.m., for two months or till final report is filed, whichever is earlier. ii) He shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of

the case so as to dissuade him/ her from disclosing such facts

to the court or to any police officer. iii) He shall not commit any similar offence while on bail. In case of violation of any of the above conditions, the jurisdictional Court shall be empowered to consider the application for cancellation, if any, and pass appropriate orders in accordance with the law. Sd/- RAJA VIJAYARAGHAVAN V JUDGE IAP

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