

Rajesh vs State of Kerala

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SooperKanoon Citation : sooperkanoon.com/1605097

Court : Kerala

Decided On : Feb-26-2021

Judge : Honourable Mrs. Justice Shircy V.

Appeal No. : Bail Appl./1703/2021

Appellant : Rajesh

Respondent : State of Kerala

Judgement :

Bail Appl..No.1703 OF 2021 1

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MRS. JUSTICE SHIRCY V. FRIDAY,
THE 26TH DAY OF FEBRUARY 2021 / 7TH PHALGUNA, 1942 Bail
Appl..No.1703 OF 2021 CRIME NO.14/2021 OF Kozhikode Town Police
Station , Kozhikode PETITIONER/ACCUSED RAJESH AGED 46
YEARS, S/O. M.C. RAMACHANDRAN, SAROVARAM,
PULLATTUPARAMBIL HOUSE, GANESHGIRI P.O, SHORANUR, BY
ADV. SRI.T.D.SUSMITH KUMAR RESPONDENTS/COMPLAINANT
AND STATE: 1 STATE OF KERALA REPRESENTED BY PUBLIC
PROSECUTOR,HIGH COURT OF KERALA , PALAKKAD- 2 SUB
INSPECTOR OF POLICE AGED 42 YEARS KOZHIKODE TOWN

POLICE STATION, KOZHIKODE 3 LIJI P.M AGED 38 YEARS W/O. BABU, IDATHIL MEETHAL HOUSE, THIRUTHIYAD P.O, KOZHIKODE R1 BY PUBLIC PROSECUTOR OTHER PRESENT: SRI AJITH MURALI-PP THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 26.02.2021, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: Bail Appl..No.1703 OF 2021 2

ORDER

Application for pre-arrest bail.

2. The petitioner is the sole accused in Crime No.14 of 2021 of Kozhikode Town Police Station registered for the offences punishable under Sections 354A(1)(i) , 354 A(1)(ii) of the Indian Penal Code.

3. The prosecution allegation is that the defacto complainant

was working as an attender in Southern Railway Employees Cooperative Society Ltd, Kozhikode. The petitioner is the Secretary of the said Society. While she was working there, from the month of January 2018 till 31.12.2019 this petitioner has subjected her to sexual harassment and made request for sexual favours and thereby committed the aforesaid offences.

4. The learned counsel for the petitioner has submitted that he is totally innocent of the allegations levelled against him. But he apprehends arrest and hence, this application.

5. Heard the learned counsel for the petitioner and the learned Public Prosecutor and perused the records made available by the learned Public Prosecutor.

6. It is pertinent to note that the defacto complainant who was working in the society on temporary basis for a short period did not

Bail Appl..No.1703 OF 2021 3 file any complaint against the Secretary during her tenure though she had a case that the petitioner had attempted to harass her sexually during the period from 16.1.2018 till December 2019, no satisfactory

explanation had been offered by her in the complaint filed by her before the police for the delay to initiate proceedings against his petitioner. It also appears from the records that she was terminated on 1.12.2019 and another substitute was employed in the society. During that period also she did not file any complaint, but only on 14.1.2021 she had filed this complaint against this petitioner.

7. Prima facie the records would reveal that the petitioner has

got a strong case that he has been falsely implicated in this case by the defacto complainant. To wreak vengeance upon him just because she lost her employment and a substitute has been appointed in the society he has been falsely implicated in the case appears to be prima facie true. So also the entire facts available as such will not show that custodial interrogation of this petitioner is required in this case. Hence, I think that this is a fit case in which anticipatory bail can be granted in favour of the petitioner as sought for by him

Therefore, this application is allowed subject to the following conditions:

(i) The petitioner shall be released on bail on executing bond for a sum of Rs.1,00,000/- (Rupees one lakh only) with two solvent sureties for the like sum each in the event of arrest by Bail Appl..No.1703 OF 2021 4 the police in connection with the above crime.

(ii) The petitioner shall appear before the Investigating Officer for interrogation as and when required by him in writing. He shall co-operate with the investigation of the case.

(iii) The petitioner 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 from disclosing such facts to the court or to any police officer or tamper with the evidence.

(iv) The petitioner shall not commit any offence while on bail. In case of violation of any of the above conditions, the learned Magistrate is empowered to cancel the bail in accordance with the law. Sd/- SHIRCY V. smm JUDGE

