

Aneesh Kumar.K vs State of Kerala

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Court : Kerala Orders

Decided On : Jul-27-2021

Judge : Honourable Mrs. Justice Shircy V.

Appeal No. : Bail Appl./3648/2021

Appellant : Aneesh Kumar.K

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MRS. JUSTICE SHIRCY V. TUESDAY, THE 27TH DAY OF JULY 2021 / 5TH SRAVANA, 1943 BAIL APPL. NO. 3648 OF 2021 CRIME NO. 313 OF 2021 OF HOSDURG POLICE STATION, KASARAGOD PETITIONER/ACCUSED: ANEESH KUMAR.K, AGED 47 YEARS DHANAPURAM HOUSE, CHITHARI VILLAGE, KASARGOD TALUK, KASARAGOD DISTRICT-671316 BY ADV P.K.SUBHASH RESPONDENTS/STATE/COMPLAINANT: STATE OF KERALA REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA ERNAKULAM, PIN - 682031 BY ADV PUBLIC PROSECUTOR OTHER PRESENT: AJITH MURALI- P.P THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 27.07.2021,

THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER

DATED THIS THE 27TH DAY OF JULY, 2021 Apprehending arrest in connection with Crime No. 313 of 2021 of Hosdurg Police Station, Kasaragod District registered for the offences punishable under Sections 354 and 452 of Indian Penal Code, the petitioner has filed this application under Section 438 of the Code of Criminal Procedure.

2. The prosecution allegation is that on

05.04.2021 at about 22.30 hours, the petitioner has trespassed into the residential house of the defacto complainant where she was residing along with her minor child and caught hold of her and attempted to outrage her modesty and thereby committed the aforesaid offences.

3. The learned counsel for the petitioner has raised a plea of false implication and contended that

she was having some dispute with th
totally innocent of the allegations levelled against him.

4. This application for pre-arrest bail is

opposed by the learned Public Prosecutor contending that the investigation of the case is only in progress and if pre-arrest bail is granted to the petitioner, there is every possibility to intimidate the witnesses to the prosecution and thus to cause hindrance to the smooth flow of investigation.

5. The petitioner is a man aged 47 years. The

FIS of the defacto complainant would show that she is residing along with her minor child aged only 14 years. It is also revealed from her statement that there is some dispute regarding the paternity of the minor child

with this petitioner with whom she was havi

residential house of the defacto complainant and the

time of incident is at 10.30 p.m..

So, the gravit

having some intention to harass the lady as well as her minor child. So, if anticipatory bail is granted in such a case, definitely that will affect the investigation of the case as it is only in the initial stage. Having regard to the nature of the accusation levelled against this petitioner, as well the other

facts and circumstances involved, I find that he is not

entitled to get an order of pre-arrest bail which could be granted only sparingly in appropriate cases. Hence, dismissed. Sd/- SHIRCY V. JUDGE sb

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