

Rahul vs State of Kerala

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Court : Kerala

Decided On : Jun-30-2020

Judge : Honourable Mr. Justice Raja Vijayaraghavan V

Appeal No. : Bail Appl./3864/2020

Appellant : RAHUL

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE RAJA VIJAYARAGHAVAN V TUESDAY, THE 30TH DAY OF JUNE 2020 / 9TH ASHADHA, 1942 Bail Appl..No.3864 OF 2020 CRIME NO.336/2020 OF CHELAKKARA POLICE STATION , THRISSUR PETITIONERS: 1 RAHUL AGED 22 YEARS S/O.RAMAKRISHNAN, THEKKEMADAM HOUSE, THONNURKKARA P.O., CHELAKKARA VILLAGE, THRISSUR DISTRICT. 2 ANOOP AGED 23 YEARS S/O.ANANDAKUMAR, CHAKKATHKUNNU HOUSE, THONNURKKARA P.O., CHELAKKARA VILLAGE, THRISSUR DISTRICT. BY ADVS. SRI.V.BINOY RAM SRI.S.SIDHARDHAN RESPONDENT: STATE OF KERALA REP. BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM,

PIN - 682031. SRI T. R RENJITH PUBLIC PROSECUTOR THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 30.06.2020, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: Bail Appl..No.3864 OF 2020 2

ORDER

This application seeking pre-arrest bail is filed by the accused Nos.1 and 2 in Crime No.336 of 2020 of the Chelakkara Police Station registered under Sections 341, 323, 354, 506 r/w Section 34 of the Indian Penal Code.

2. This application is taken up and heard through Videoconferencing.

3. On 10.5.2020 at 6 am, the petitioners are alleged to have

taken photographs of the de facto complainant talking to a local panchayat member. When the de facto complainant objected, the 1 st petitioner is alleged to have slapped on her cheek. On seeing the incident, the Panchayath Member intervened. The 2 nd accused then caught hold of the de facto complainant and tried to disrobe her. By the acts of the accused, the modesty of the de facto complainant was allegedly outraged.

4. Sri.V.Binoy Ram, the learned counsel appearing for the Bail Appl..No.3864 OF 2020 3

petitioners, submitted that the allegations are untrue. He contended that on 11.5.2020 at 10.am, the de facto complainant, her husband, and the member had trespassed into the house of the 1 st petitioner and had assaulted his aged parents. Based on information furnished by the mother of the 1st petitioner, Crime No.357 of 2020 has been registered inter alia under Sections 448 and 323 of the IPC.

5. The learned Public Prosecutor has opposed the prayer.

6. I have considered the submissions advanced and have gone through the case diary.

7. The prosecution has no case that the petitioners were

armed with weapons or that any serious injuries were inflicted. No other crimes are reported against the petitioners. It is trite that while considering the prayer for anticipatory bail, a balance has to be struck and it shall be ensured that no prejudice be caused to a free, fair and effective investigation and it has also to be ensured that harassment, humiliation and unjustified detention of the accused are avoided. There is no case for the prosecution that the petitioners would make themselves scarce or that it would be difficult to secure their presence either at the stage of investigation or at the stage of the trial. Having

Bail Appl..No.3864 OF 2020 4 regard to the nature of accusations, the role assigned to the petitioners, and attendant facts, I am of the considered opinion that the custodial interrogation of the petitioners is not necessary for an effective investigation in the instant case.

In the result, this application will stand allowed. The petitioners shall appear before the Investigating Officer within ten days from today and shall undergo interrogation. Thereafter, if they are proposed to be arrested, they shall be released on bail on each of them 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 petitioners 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 the final report is filed, whichever is earlier. ii) They 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) They shall not commit any similar offence

while on bail. Bail Appl..No.3864 OF 2020 5 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 PS

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