

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE ASHOK MENON

WEDNESDAY, THE 31ST DAY OF MARCH 2021 / 10TH CHAITHRA, 1943

Bail Appl..No.2253 OF 2021

CRIME NO.2273/2020 OF Mangalapuram Police Station,
Thiruvananthapuram

PETITIONER/S:

JAFFER
AGED 35 YEARS
PUTHUVAL PUTHENVEEDU, KUZHIYALAKKAL, PALLIPPURAM-PO.
695316

BY ADV. SRI.V.P.REMESH

RESPONDENT/S:

- 1 STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF
KERALA
682031
- 2 STATION HOUSE OFFICER
MANGALAPURAM POLICE STATION

SRI.SANTHOSH PETER SR PP

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
31.03.2021, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER

Dated this the 31st day of March 2021

APPLICATION FOR ANTICIPATORY BAIL

The applicant is the second accused in Crime No.2273/2020 of Mangalapuram Police station, Kollam District for having allegedly committed offences punishable under Sections 294(b), 323, 354, 427, 447 and 506 read with section 34 of the Indian Penal Code.

2. The prosecution case, in brief, is that on 27/11/2020 at about 2.00 AM, the applicant and the other accused trespassed into the compound of the house of the de facto complainant, committed mischief by breaking the furniture in the tuition centre run by the son of the de facto complainant and when the de facto complainant came out of the house, the applicant kicked at the knee of the de facto complainant and the 1st accused hurled abuses at her and thereafter she was pushed down and intimidated. Her modesty was outraged and thus the applicant and the rest of the accused committed the offence.

3. The applicant states that he is innocent and the allegations are not true. The de facto complainant is the wife of one Noufal, who is the second accused in a counter case against the de facto complainant and others as Crime No.1165/2020 of Mangalapuram Police station. The de facto complainant's husband Noufal and Shibu, who is the de facto complainant in Crime No.1213/2020, are constantly creating problem in the locality and therefore this is a

false case which has been foisted against the applicant. The applicant, therefore, seeks pre-arrest bail.

4. Considering the allegations made against the applicant, it is clear that the applicant had attempted to outrage the modesty of the de facto complainant by trespassing into the house of the de facto complainant at odd hours of 2 a.m. in the morning and therefore, the applicant is not entitled to the discretionary and extraordinary remedy of anticipatory bail.

5. The bail application is therefore disposed of directing the applicant to surrender before the Investigating Officer within two weeks. In the event of his being arrested, after interrogation and recovery, if any, he shall be produced before the jurisdictional court, where he is at liberty to apply for regular bail, which shall be considered and preferably disposed of by the jurisdictional court on the very same day.

Sd/-

ASHOK MENON

JUDGE

jg