

IN THE COURT OF THE SESSIONS JUDGE, ALAPPUZHA

Present: Sri. Jobin Sebastian, Sessions Judge

Wednesday the 12th day of July, 2023

Crl. M.P. No. 2874/2023

(Crime No.504/2023 of Alappuzha South Police Station)

Petitioner/: Rony Stephen, Aged 37 years, S/o Stephen,
Accused No.1 131, R.S.Nivas, Vazhicheri, HPO, Alappuzha H.O,
Alappuzha, Pin 688001
(By Adv.Abhilash.C.Soman)

Respondent: State of Kerala represented by Sub Inspector of Police,
Alappuzha South Police Station through the Public Prosecutor,
Alappuzha

This petition having been heard on 11.07.2023 and the court on 12.07.2023 passed the following:

ORDER

This petition for anticipatory bail has been filed by the third accused in Crime No.504/2023 of Alappuzha South Police Station, registered alleging commission of offences punishable under Sections 294 (b), 323, 324, 341 and 354 r/w 34 of IPC.

2. The prosecution allegation is that, on 14.05.2023 at 1:30 a.m., while the defacto complainant was travelling in a car bearing registration No:KL-17 M/569 through Iron bridge, Alappuzha along with his wife, accused Nos:1 and 2 who were travelling in a scooter and going ahead of the car driven by the defacto complainant, applied sudden break without any precaution. When the defacto complainant questioned the same, accused Nos:1 and 2 abused him in filthy language and the first accused beat on the cheek of the defacto complainant using a mobile phone and the second accused intercepted the car by stopping his scooter across the car. In the meantime, the third accused came to the scene and caught hold on the hands of the wife of the defacto complainant and abused her in filthy language with intend to outrage her modesty. Hence the accused is alleged have committed the aforementioned offences.

3. I heard both sides and perused the case diary.

4. The learned counsel for the petitioner submitted that, the petitioner is totally innocent of the allegations levelled against him. An offence u/s.354 of IPC will no way attract in this case. The petitioner is a law abiding citizen and has no

criminal antecedents. The petitioner is ready to abide by any condition imposed by the court in the event of granting pre-arrest bail.

5. The learned Public Prosecutor opposed the application.

6. From a perusal of the case diary, it is gatherable that the accusation against the petitioner and other accused is prima facie well founded. There is specific allegation that, the first and second accused in this case abused the defacto complainant in filthy language and assaulted him while he came in a car along with his wife. The allegation against the petitioner who is arrayed as the third accused is that, he who reached at the scene of occurrence at the fag end of the incident outraged the modesty of the defacto complainant's wife by pulling her after grabbing on her hand. Of course, the allegation against the petitioner is a serious one. Any how the question whether an offence under S.354 of IPC will attract or not in this case is a matter of evidence. It is obvious that in order to attract the said offence, it should be established that the accused intended to outrage the modesty of the defacto complainant's wife. Whether sufficient criminal intention and knowledge to attract an offence u/s.354 of IPC can be attributed to the petitioner or not can be conclusively answered only after a full fledged trial. Any how, the nature of the allegation suggests that custodial interrogation of the petitioner is not necessary for the progress of the investigation in this case. Considering all the above said aspects, I am of the view that, the petitioner can be granted anticipatory bail, on stringent conditions.

In the result, this petition is allowed on the following conditions :

- (i) The petitioner shall be released on bail in the event of his arrest in connection with the above crime on his execution of bond for ₹50,000/- with two solvent sureties each for the like sum to the satisfaction of the Investigating Officer.
- (ii) The petitioner shall appear before the Investigating Officer as and when required and shall co-operate with the investigation.
- (iii) The petitioner shall not intimidate or influence the witnesses or tamper with evidence.

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(iv) The petitioner shall not commit any offence while on bail.

(Dictated to the Confidential Assistant transcribed and typed by her, corrected and pronounced by me in open Court, this the 12th day of July, 2023).

Sd/-
SESSIONS JUDGE
ALAPPUZHA