

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

WEDNESDAY, THE 11TH DAY OF FEBRUARY 2015/22ND MAGHA, 1936

Bail Appl..No. 13 of 2015 ()

CRIME NO. 1068/2014 OF KONDOTTY POLICE STATION, MALAPPURAM

PETITIONER/ACCUSED :

MUHAMMED SHAREEF K., AGED 39 YEARS,
S/O.MOYINKUTTY
VALIYARAKKAL KURIKKADAN PUTHUPPADAM HOUSE,
AIKKARAPPADI, MALAPPURAM DISTRICT.

BY ADVS.SRI.S.SHANAVAS KHAN
SMT.S.INDU

RESPONDENT/COMPLAINANT :

1. THE STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

ADDL. R2 IMPEADED :

2. RASHEEDA, AGED 35 YEARS, S/O.MUHAMMED KOYA,
KALATHINGAL HOUSE, KADALUNDI, KOZHIKODE DISTRICT

ADDL. R2 IS IMPEADED AS PER ORDER DT 11/2/2015 IN
CRL.M.A. 1084/2015

R1 BY PUBLIC PROSECUTOR SMT. LALIZA T.Y.
ADDL.R2 BY ADV. SRI.U.K.DEVIDAS

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 11-02-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

bp

B.KEMAL PASHA, J.

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B.A. No.13 of 2015

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Dated this the 11th day of February, 2015

ORDER

Petition filed under Section 438 Cr.P.C.

2. Petitioner is the accused in Crime No.1068 of 2014 of the Kondotty Police Station, registered for the offences punishable under Sections 376, 406 and 420 of the Indian Penal Code.

3. The defacto complainant woman was deserted by her husband and thereafter they effected a divorce through an agreement. It is alleged that thereafter, the defacto complainant fell in love with the petitioner, who is one of her neighbours. It is also alleged that on a promise of marriage, he subjected her to sexual intercourse on several occasions and the said relationship continued. Every now and then, assurance was given by the petitioner that he would marry her. With the said assurance, he obtained an amount of Rs.1,50,000/- and 8 sovereigns of gold ornaments also from the defacto complainant. Thereafter, he has retracted from his promise and has not returned the amount or gold

ornaments also.

4. Heard learned counsel for the petitioner, learned counsel for the defacto complainant and the learned Public Prosecutor.

5. On going through the contents of the CD and on hearing learned counsel for the petitioner, learned counsel for the defacto complainant and the learned Public Prosecutor, I am of the view that this is not a fit case wherein anticipatory bail can be granted to the petitioner. The custodial interrogation of the petitioner is required for the continued investigation of this case. The allegations against the petitioner are very grave and serious. Considering all the above, I am of the view that this is not a fit case wherein anticipatory bail can be granted to the petitioner.

6. The learned counsel for the petitioner seeks for an opportunity to the petitioner to surrender before the investigating officer and to co-operate with the investigation.

In the result, this bail application is dismissed. At the same time, if so advised, the petitioner may surrender before

the investigating officer within ten days from today and in such case, the investigating officer can interrogate the petitioner, effect recovery if any, and conduct the investigation and produce the petitioner without delay before the concerned Judicial First Class Magistrate's Court, where the petitioner can move for bail. In such case, the learned Magistrate shall pass appropriate orders, preferably on the same day itself, provided advance notice on such application has been given to the Assistant Public Prosecutor also.

Sd/-
B.KEMAL PASHA
JUDGE

DSV/11/2/15

// True Copy //

P.A. To Judge