

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

THURSDAY, THE 19TH DAY OF FEBRUARY 2015/30TH MAGHA, 1936

Bail Appl..No. 121 of 2015)

CRIME NO. 573/2014 OF BEDAKOM POLICE STATION, KASARGOD DISTRICT.
.....

PETITIONER/ACCUSED:

**JAYAKRISHNAN K, S/O JAYARAJ,
AGED 22 YEARS, SOUPARNIKA HOUSE,
KARIVEDAKOM P.O, CHENGALA (VIA),
KASARGOD DISTRICT.**

BY ADV. SRI.I.V.PRAMOD

RESPONDENT/COMPLAINANT/ STATE:

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

BY PUBLIC PROSECUTOR SMT.LALIZA.T.Y

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 19-02-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

mbr/

B. KEMAL PASHA, J.

.....
B.A. No.121 2015
.....

Dated this the 19th day of February, 2015

ORDER

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Petition under Section 438 Cr.P.C.

2. Petitioner is the accused in Crime No.573/2014 of Bedakkom Police Station registered for the offence punishable under Section 306 IPC.

3. The allegation against the petitioner is that he obtained the mobile phone of the deceased, who was none other than his friend, and sent a message in vulgar language to one of the cousin sisters of the *defacto complainant* by expressing that the deceased wanted to have sexual intercourse with that woman. On getting the message, they reacted heavily. Even though the deceased attempted to explain that the message was sent by his

friend without his knowledge, the petitioner did not care to take the responsibility and denied the fact of having sent such a message. The deceased was betrayed by everybody including his relatives and finally, seeing no other option, he committed suicide.

4. Heard learned counsel for the petitioner and learned Public Prosecutor.

5. The allegations against the petitioner are very grave and serious. The investigation has a long way to go. Considering the seriousness of the allegations against the petitioner and the present stage of the investigation, I am of the view that this is not a fit case wherein anticipatory bail can be granted to the petitioner. At the same time, considering the fact that the petitioner was also one of the friends of the deceased, I am of the view that, while dismissing this bail application, an opportunity can be granted 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)

aks/19/02

// True Copy //

PA to Judge