

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

TUESDAY, THE 13TH DAY OF JANUARY 2015/23RD POUSHA, 1936

Bail Appl.No. 163 of 2015

CRIME NO. 360/2014 OF KALIKAVU POLICE STATION, MALAPPURAM

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PETITIONER(S)/ACCUSED 1:

**ABDUREHIMAN, AGED 38 YEARS,
S/O.HUSAIN, ALIPARAMBAN HOUSE, UTHIRAMPOYIL P.O.,
NILAMBUR TALUK, MALAPPURAM DISTRICT.**

**BY ADVS.SRI.HUSSAIN KOYA VALIYAVEEDAKATH
SRI.K.ANAND
SRI.K.V.RAJENDRAN (WANDOODOR)**

RESPONDENT(S)/STATE AND COMPLAINANT:

- 1. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM - 682 031.**
- 2. THE SUB INSPECTOR OF POLICE,
KALIKAVU POLICE STATION, MALAPPURAM DISTRICT - 676 525.**

BY PUBLIC PROSECUTOR SMT.LALIZA T.Y.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
13-01-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

msv/

K. ABRAHAM MATHEW,J.

Bail application No.163 of 2015

Dated this the 13th day of January, 2015

O R D E R

Petition filed under Section 439(1) Cr.P.C.

2. Petitioner is the 1st accused in Crime No.360 of 2014 of Kalikavu Police Station registered for the offences under Sections 376 and 506(ii) read with Section 34 of the Indian Penal Code.

3. The allegation is that at 10.00 in the morning on 10.09.2014, the petitioner trespassed into the kitchen of the de-facto complainant's house and raped her under threat.

4. Learned counsel for the petitioner submits that the petitioner has been in custody since 23.11.2014 and the matter has been settled between the parties.

5. Heard both sides.

6. The fact that the offence was committed at 10.00 in the morning cannot be ignored. The fact that the victim was raped in her own house also assumes significance. The court cannot take notice of the submission that the matter has been settled between the parties since the offence is not compoundable and public interest does not

permit settlement of the case. I do not think that it is proper to grant bail to the petitioner at this stage.

In the result, the application is dismissed.

Sd/-
K. ABRAHAM MATHEW, JUDGE

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P.A. To Judge

smv