

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

TUESDAY, THE 27TH DAY OF JANUARY 2015/7TH MAGHA, 1936

Bail Appl..No. 248 of 2015

CRIME NO. 20/2015 OF PAYYANNUR POLICE STATION , KANNUR

PETITIONER/ACCUSED:

NOUSHAD M., AGED 34 YEARS
S/O. ABOOBAKKAR HAJI, KALIKKADAV P.O., PILIKKOD
KASARAGOD DISTRICT.

BY ADV. SRI.T.V.JAYAKUMAR NAMBOODIRI

RESPONDENT/COMPLAINANT:

STATE OF KERALA
REP. BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA
ERNAKULAM.

R BY PUBLIC PROSECUTOR, SRI.SREEJITH V.S.

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
27-01-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

B.KEMAL PASHA, J.

B.A.No.248 of 2015

Dated this the 27th day of January 2015

ORDER

Petition under Section 438 Cr.P.C.

2. Petitioner is the accused in Crime No.20/2015 of Payyanur Police Station, Kannur district registered for the offences punishable under Sections 452, 341, 323, 354, 506(i) and 427 of the Indian Penal Code.

3. The allegation against the petitioner is that on 3.1.2015 at 5 p.m., he committed trespass into the house of the de-facto complainant, who is the mother-in-law of the petitioner, and she was severely beaten up. It is alleged that she was slapped, kicked and stamped. It is further alleged that the petitioner has damaged and destroyed the furniture, house-hold articles and utensils in the house and also destroyed the glass of the window panes, thereby

causing a wrongful loss of Rs.5,000/- to the de-facto complainant.

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

5. It seems that the petitioner and his wife are in loggerheads and his wife was severely beaten up and, a crime as Crime No.71/14 of the Payyanur police station was registered against him. The investigation is going on in that crime. Thereafter, two other crimes (crime Nos.893/2014 and 1654/2014) of the same police station have been registered for the offences under Sections 448, 427 and 506 etc. of the Indian Penal Code alleging attack by the petitioner against the defacto complainant. It seems that the petitioner is repeatedly involved in such offences. The allegations against the petitioner are very grave and serious. Considering the seriousness of the allegations against the petitioner and his repeated acts against the very same de-facto complainant and her daughter, 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.

7. 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

dl

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PA to Judge