

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

WEDNESDAY, THE 28TH DAY OF JANUARY 2015/8TH MAGHA, 1936

Bail Appl..No. 292 of 2015

CRIME NO. 710/2014 OF KANNAVAM POLICE STATION , KANNUR

PETITIONER/ACCUSED:

DR.P.T.SAMEER, AGED 39 YEARS
S/O.P.T.UMMER, BISHARA, OPP:DHANALAXMI HOSPITAL P.O.
THANA, KANNUR-670 012.

BY ADV. SMT.N.SHAMNA

RESPONDENTS/COMPLAINANT:

STATE OF KERALA,
THROUGH SHO KANNAVAM, KANNUR
REPRESENTED 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
28-01-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

B.KEMAL PASHA, J.

B.A. No.292 of 2015

Dated this the 28th day of January 2015

ORDER

Petition under Section 438 Cr.P.C.

2. Petitioner is the accused in Crime No.710/2014 of Kannavam police station, Kannur district registered for the offences punishable under Sections 498A, 406, 420, 468 and 471 of the Indian Penal Code.

3. The allegation against the petitioner is that he has tortured and harassed the de-facto complainant, who is his wife, and treated her with cruelty. She was used to beaten up and she was tortured both physically and mentally. It is alleged that he has taken away 1150sovereigns of gold ornaments provided to her by her parents and he has misappropriated everything. It is further

alleged that a car, which was purchased by the father of the defacto complainant, through financial nursing from a bank, was taken away by the petitioner, and through forgery, he got the same transferred into his name and thereafter, he sold the same to a third party.

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

5. The contents of the C.D. *Prima facie* reveal the complicity of the petitioner. The allegations against the petitioner are very grave and serious. Considering the seriousness of the allegations against the petitioner and the present stage of investigation, I am satisfied that this is not a fit case wherein anticipatory bail can be granted.

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