

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

THURSDAY, THE 29TH DAY OF JANUARY 2015/9TH MAGHA, 1936

Bail Appl..No. 296 of 2015)

CRIME NO. 550/2014 OF KELAKAM POLICE STATION, KANNUR DISTRICT.

.....

PETITIONER:

**ROY JOSEPH, AGED 42 YEARS,
S/O.JOSEPH, PODIPPARA HOUSE, KOTTIYOOR P.O,
KOTTIYOOR AMSOM, KOTTIYOOR DESOM,
KANNUR DISTRICT, PIN - 670651.**

**BY ADVS.SRI.ABU MATHEW
SRI.AJU MATHEW
SRI.ABHILASH MATHOOR**

RESPONDENTS:

**STATE OF KERALA,
THROUGH THE STATION HOUSE OFFICER,
KELAKOM POLICE STATION, KANNUR DISTRICT,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM, KOCHI-682031.**

BY PUBLIC PROSECUTOR SRI.SREEJITH V.S.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 29-01-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

mbr/

B.KEMAL PASHA, J.

.....
B.A. No.296 of 2015

.....
Dated this the 29th day of January, 2015

ORDER

Petition filed under Section 439 Cr.P.C.

2. Petitioner is the accused in Crime No.550/2014 of the Kelakam Police Station, Kannur registered for the offences punishable under Sections 376, 506(i) and 324 of the Indian Penal Code.

3. The petitioner, by suppressing the fact that he has a wife and a child, enticed the defacto complainant, made a promise to marry her. By assuring that he would marry her, he committed sexual intercourse with her, in fact, forcibly. She became pregnant. She was threatened to the maximum. She went to the house of the petitioner and

attempted to commit suicide. Then she was pacified and sent back. Thereafter, he went to the house of the defacto complainant on 18.09.2014 and requested for a tea. She served boiled tea to the petitioner. The petitioner swiftly lifted her maxi and poured the boiled tea on to the vagina of the defacto complainant. Petitioner has been in custody for the period from 02.10.2014 onwards.

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

5. The contents of the CD, *prima facie*, reveal the complicity of the petitioner. Investigation of this case is over and final report has already been filed. Apart from that, the learned Public Prosecutor has pointed out that the petitioner is an accused in another crime involving an offence punishable under Section 307 IPC. Considering the criminal antecedent on the part of the petitioner, the cruel attitude exhibited by the petitioner and the seriousness of the allegations against him, I am of the view that the petitioner is

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not entitled to be enlarged on bail.

In the result, this Bail Application is dismissed.

Sd/- B.KEMAL PASHA, JUDGE

ul/-

[True copy]

P.S. to Judge