

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

TUESDAY, THE 10TH DAY OF FEBRUARY 2015/21ST MAGHA, 1936

Bail Appl..No. 548 of 2015 ()

CRIME NO. 699/2014 OF BALUSSERY POLICE STATION

PETITIONER/ACCUSED:

**MOHAMMAD SGHAFI, AGED 32 YEARS,
S/O.AHAMMED KUTTY, CHERUVATHUPOYIL, POONUR,
UNNIKULAM, THAMARASSERY TALUK, KOZHIKODE.**

BY ADV. SRI.NIDHI BALACHANDRAN

RESPONDENTS:

- 1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.PIN-682 031**
- 2. SUB INSPECTOR OF POLICE,
PERUVANNAMUZHI POLICE STATION.PIN-683 113**

BY PUBLIC PROSECUTOR SRI.V.S.SREEJITH

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 10-02-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

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B.KEMAL PASHA, J.

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B.A. No. 548 of 2015

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Dated this the 10th day of February, 2015

ORDER

Petition filed under Section 438 Cr.P.C.

2. Petitioner is the accused in Crime No.699 of 2014 of the Balussery Police Station, registered for the offences punishable under Sections 452, 354, 323, 324, 294(b), 506 and 427 IPC.

3. The allegation against the petitioner is that on 20.12.2014 at 10.00 p.m., he committed trespass into the house of the defacto complainant woman, beat her with a stick, caught hold of her and abused her in filthy language thereby outraging her modesty. It is alleged that he fisted and stamped her. He smashed the glass of the window panes and the rear glass of the car parked at the porch.

4. Heard the learned counsel for the petitioner and

the learned Public Prosecutor.

5. The contents of the CD *prima facie* reveal the complicity of the petitioner. Considering the seriousness of the allegations against the petitioner, I am satisfied that this is not a fit case wherein the discretionary relief of anticipatory bail can be granted to the petitioner. At the same time, the learned counsel for the petitioner has pointed out that no criminal antecedents have been reported against the petitioner. By considering the said aspect alone, I am of the view that while dismissing the 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 court below, 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

DSV/10/2/15

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P.A. To Judge