

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

WEDNESDAY, THE 11TH DAY OF MARCH 2015/20TH PHALGUNA, 1936

Bail Appl..No. 995 of 2015

*** CRIME NO. 48/2015 OF HOSDURG POLICE STATION , KASARGOD
CORRECTED AS CHEEMINI POLICE STATION**

PETITIONER(S)/1ST ACCUSED:

**AJMAL, AGED 36 YEARS
S/O.KANI PAWTHER, NOOLUVEELIYIL HOUSE, CHENNADUKKAM
PETTIKUNDU P.O., CHEEMENI VILLAGE, HOSDURG TALUK
KASARGODE DISTRICT.**

**BY ADVS.SRI.PHILIP T.VARGHESE
SRI.THOMAS T.VARGHESE
SMT.K.R.MONISHA
SRI.BOBY C. BABY
SRI.ANOOP BHASKAR**

RESPONDENT(S)COMPLAINANT:

*** STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM REPRESENTING
THE STATION HOUSE OFFICER
HOSDURG POLICE STATION
KASARAGOD DISTRICT, PIN 671121.**

*** CORRECTED AS CHEEMENI POLICE STATION**

**THE NAME OF THE POLICE STATION OCCURING IN THE CAUSE LIST AND
MEMORANDUM OF BAIL APPLICATION IS CORRECTED AND SUBSTITUTED
AS 'CHEEMENI POLICE STATION' INSTEAD OF 'HOSDURG POLICE STATION'
AS PER ORDER DTD.9/3/15 IN CRL.MA.1915/15 IN BA.995/2015.**

BY PUBLIC PROSECUTOR SMT.LALIZA T.Y.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 11-03-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

PJ

B.KEMAL PASHA, J.

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B.A. No. 995 of 2015

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Dated this the 11th day of March, 2015

ORDER

Petition under Section 438 Cr.P.C.

2. Presently, petitioner is the sole accused in Crime No.48/2015 of the Cheemeni Police Station, registered for the offences punishable under Sections 324 and 498(A) IPC.

3. The allegation against the petitioner is that he has tortured and harassed the defacto complainant, who is his wife, and treated her with cruelty, by demanding money and she was attacked on 25.1.2015 at 11.30 p.m. by beating with a torch and also by causing her head to hit on the wall.

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. It seems that the statement of the petitioner was recorded by the police while she was undergoing treatment at the

hospital. It seems that she was severely beaten up on her cheek and he pushed her head towards the wall, thereby causing injuries. She was beaten up with a torch all over her body. She was initially taken to the hospital by her in-laws on seeing her miserable stage. Thereafter, she returned from the hospital. Again she had to be admitted at the hospital as her condition became aggravated. The allegations against the petitioner are very grave and serious. Considering the seriousness of the allegations against the petitioner, I do not think that the petitioner is entitled to the discretionary relief of anticipatory bail.

6. 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

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