

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

MONDAY, THE 23RD DAY OF NOVEMBER 2015/2ND AGRAHAYANA, 1937

Bail Appl..No. 1250 of 2015 ()

CRIME NO. 294/2015 OF TIRURANGADI POLICE STATION , MALAPPURAM DISTRICT

PETITIONER/ACCUSED:

SABIR, AGED 26 YEARS,
S/O.KUNHIMU, KADENGAL HOUSE, AVANAZHI,
PUKAYOOR, P.O.OLAKKARA, MALAPPURAM DISTRICT.

BY ADV. SRI.K.K.MOHAMED RAVUF

RESPONDENT/COMPLAINANT:

THE STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

*ADDL.R2 IMPEADED

*ADDL.R2: JAMSHEENA, AGED 22 YEARS,
D/O. ABDUL AZEEZ, PAVUTHODIGA HOUSE,
A.R. NAGAR, MALAPPURAM DISTRICT.

*ADDL.R2 IS IMPEADED AS PER ORDER DATED 23/11/2015 IN
CRL.M.A.NO.2693/2015

R1 BY PUBLIC PROSECUTOR SRI.ABDUL KAREEM
R2 BY ADVS. SRI.HARISH R. MENON
SRI.K.T.SHYAMKUMAR

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 23-11-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

sts

A.HARIPRASAD, J.

B.A.No.1250 of 2015

Dated this the 23rd day of November, 2015

ORDER

Application filed under Section 438 of the Code of Criminal Procedure.

2. Petitioner apprehends arrest in Crime No.294 of 2015 of Tirurangadi Police Station registered for the offences punishable under Sections 376, 312 and 506(i) of the Indian Penal Code.

3. Prosecution case is that the accused person made the defacto complainant believe that he would marry her and on that pretext, he had sexual relationship with the defacto complainant in the month of May, 2014 and thereafter, on many occasions. Thereafter, he administered some medicine to the defacto complainant for effecting a criminal miscarriage and also threatened to kill her.

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

5. I have perused the case diary. Learned counsel for the petitioner submitted that the case of the defacto complainant is that in the month of May, 2014, the accused person committed the offence of rape and thereafter, a criminal miscarriage was effected. But the medical records would show that the abortion was in the year, 2013. Learned counsel for the petitioner submitted that there is no case for the petitioner that there was any physical relationship previous to 2014, May. The case was registered on the basis of a complaint preferred to the S.P., Malappuram.

6. Considering the nature of allegations, I do not find any need for a custodial interrogation. Hence, the following directions are issued:

- (a) Petitioner shall surrender before the Investigating Officer within a period of 'two weeks' from today and submit himself for interrogation and for conducting any test, if required. Thereafter, he shall be released on bail on executing a bond for ₹25,000/- (Rupees twenty five thousand

only) with two solvent sureties for the like sum to the satisfaction of the Investigating Officer.

- (b) The petitioner shall appear before the Investigating Officer as and when directed for the purpose of interrogation.
- (c) The petitioner shall co-operate with the investigation of the case.
- (d) The petitioner shall not intimidate or attempt to influence the witnesses.
- (e) The petitioner shall not in any manner interfere or meddle with the investigation.
- (f) The petitioner shall not, during the period of this bail get involved in any offence.

In case any of the above conditions is violated, bail granted hereby is liable to be cancelled for which the investigating officer may move application before the jurisdictional magistrate.

Sd/-
A.HARIPRASAD, JUDGE.

AS

/True Copy/

P.A. to Judge