

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

THURSDAY, THE 11TH DAY OF JUNE 2015/21ST JYAISHTA, 1937

Bail Appl..No. 3237 of 2015 ()

CRIME NO. 767/2012 OF VALANCHERY POLICE STATION, MALAPPURAM DISTRICT

PETITIONER(S)/ACCUSED:

**SAJID, S/O.ALAVI AGED 26 YEARS
NALAKATH HOUSE, BAVAPPADI, MAVANDIYUR PO
MALAPPURAM DISTRICT.**

BY ADV. SRI.P.VENUGOPAL

RESPONDENT(S)/STATE & DEFACTO COMPLAINANT:

**1. STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA
ERNAKULAM. (REPRESENTING INSPECTOR OF POLICE
VALANCHERY, MALAPPURAM DISTRICT)**

**2. SHAMLA, D/O.UMMER, AGED 20 YEARS
KURUPPATH HOUSE, PULAMANTHOLE P.O.
PERINTALMANNA TALUK, MALAPPURAM DISTRICT.**

R1 BY PUBLIC PROSECUTOR SMT. REMA R.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 11-06-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Mn

K. ABRAHAM MATHEW, J.

.....
Bail Appl. No. 3237 of 2015
.....

Dated this the 11th day of June, 2015

O R D E R

Petition filed under Sec.438 Cr.P.C.

2. Petitioner is the accused in Crime No.767 of 2012 which has been taken on the file of the Judicial First Class Magistrate Court, Thrissur as C.P. No.16 of 2014. The allegation is that he committed rape on the victim.

3. Heard both sides.

4. Learned counsel submits that the allegation is false and the dispute has been settled between the parties and the petitioner was not absconding.

5. The alleged settlement between the parties cannot be taken notice of by this Court. The learned counsel has produced before me a copy of the passport of the petitioner which shows that about one month before the registration of the case he had gone abroad. His argument is that the petitioner was not absconding.

6. I am satisfied that the petitioner did not leave the country after the registration of the case. The 1st

informant is a married women having a child.

The learned Magistrate shall take into consideration all these facts if the petitioner surrenders before him and files an application for bail.

With the above observations, the bail application is disposed of.

Sd/-
K. ABRAHAM MATHEW
JUDGE
/ True Copy /

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P.A. To Judge