

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

THURSDAY, THE 8TH DAY OF OCTOBER 2015/16TH ASWINA, 1937

Bail Appl..No. 5017 of 2015

**CRIME NO. 1185/2015 OF PEROORKADA POLICE STATION,
THIRUVANANTHAPURAM**

PETITIONER(S)/A1:

**AHAMMED KABEER @ KABEER SHA, AGED 50 YEARS,
S/O.HASSANARU PILLAI, SFS MAY FAIR, HNGC MARAPPALAM,
PEROORKADA VILLAGE, THIRUVANANTHAPURAM.**

BY ADV. SRI.SHAJIN S.HAMEED

RESPONDENT(S)/STATE:

**STATE OF KERALA,
REPRESENTED THROUGH THE SUB INSPECTOR OF POLICE,
PEROORKADA POLICE STATION,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**

BY PUBLIC PROSECUTOR SMT.T.Y.LALIZA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 08-10-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

PJ

A.HARIPRASAD, J.

B.A. No.5017 of 2015

Dated this the 8th day of October, 2015

ORDER

Application under Section 438 of the Code of Criminal Procedure.

2. First accused in Crime No.1185 of 2015 of Peroorkada Police Station registered for offences punishable under Sections 354 and 420 read with Section 34 of the Indian Penal Code seeks pre-arrest bail.

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

4. A complaint was filed by the defacto complainant before the Circle Inspector of Police, Peroorkada on which the crime was registered. It is alleged that the defacto complainant and the petitioner were running a beauty parlour as a joint venture. Later on, there was some misunderstanding and disputes. Learned counsel for the petitioner submitted that the defacto complainant issued Annexure-B cheque in favour of the petitioner towards settlement of the claim. This complaint was filed by the defacto complainant with false allegations.

5. I have perused the case diary. The complaint and statements of witnesses show that there was some indecent advancement by the

petitioner towards the defacto complainant from a car. There are statements of witnesses supporting prima facie the allegations constituting an offence under Section 354 of the Indian Penal Code. Therefore, I am not inclined to grant pre-arrest bail to the petitioner. Hence the following order:

Petitioner shall surrender before the investigating officer within a period of one week and submit himself for interrogation. Thereafter, the investigating officer shall produce him before the Magistrate having jurisdiction on the date of surrender itself. In that event, he is free to move for bail and the learned Magistrate shall consider the application on merits as expeditiously as possible, if possible on the date of production itself. If he does not surrender before the investigating officer within the said time, the investigating officer is free to arrest him, as if no order is passed in this case.

Application is disposed of.

A. HARIPRASAD, JUDGE.

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