

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

WEDNESDAY, THE 2ND DAY OF SEPTEMBER 2015/11TH BHADRA, 1937

Bail Appl..No. 5138 of 2015

CRIME NO. 197/2015 OF MARAYUR POLICE STATION, IDUKKI.
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PETITIONER:

**RAJ KUMAR @ ANTONY, AGED 32 YEARS,
S/O.ASHATHAMBI, RESIDING AT PATTIKKADU KARA,
MARAYUR VILLAGE, DEVIKULAM TALUK, IDUKKI.**

**BY ADVS.SRI.M.M.NIAS
SRI.AJOY VENU**

RESPONDENT:

**THE SUB INSPECTOR OF POLICE, MARAYUR,
IDUKKI DISTRICT,
REPRESENTED BY THE PUBLIC PROSECUTOR,
STATE OF KERALA.**

BY PUBLIC PROSECUTOR SRI.RAJESH VIJAYAN

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 02-09-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

mbr/

A. HARIPRASAD, J.

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B.A.No. 5138 of 2015

Dated this the 2nd day of September, 2015

ORDER

Petition filed under Section 438 Cr.P.C.

2. Petitioner is the sole accused in Crime No. 197 of 2015 of Marayur Police Station, registered on the basis of a private complaint forwarded for investigation under Section 156(3) Cr.P.C. The complaint revealed the offences punishable under Sections 452, 354A and 376 of the Indian Penal Code.

3. Heard both sides.

4. The case of prosecution is that on 21.02.2015, at about 14 hours, while the *de facto* complainant was taking bath, the accused entered into the bathroom and tore off her clothes and committed rape on her. The plea of total innocence raised by the petitioner is not *Prima facie* acceptable from the materials in the case diary. Therefore, I am of the view that the petitioner is not entitled to get any order under Section 438 Cr.P.C.

The petitioner shall surrender before the court having

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jurisdiction and move for bail. In that event, the matter shall be considered on merits by the court having jurisdiction.

Sd/-

**A. HARIPRASAD,
JUDGE**

DST

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P.A. To Judge