

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

FRIDAY, THE 16TH DAY OF OCTOBER 2015/24TH ASWINA, 1937

Bail Appl..No. 5338 of 2015 ()

**CRIME NO. 1593/2015 OF KAZHAKKUTTOM POLICE STATION ,
THIRUVANANTHAPURAM DISTRICT**

PETITIONER/ACCUSED:

**MUHAMMED ZIYAD, AGED 24 YEARS,
S/O.JAMAL MUHAMMED, ZAM ZAM HOUSE, CHANDAVILA,
CHANAICONAM, KAZHAKKOOTTAM VILLAGE,
CHIRAYINKEEZHU TALUK, THIRUVANANTHAPURAM DISTRICT.**

**BY SRI.K.RAMAKUMAR,SENIOR ADVOCATE
ADVS. SRI.S.M.PRASANTH
SRI.M.MANOJKUMAR (CHELAKKADAN)
SMT.ASHA BABU
SRI.G.RENJITH**

RESPONDENT(S)/COMPLAINANT:

- 1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM, KOCHI -682 031.**
- 2. THE SUB INSPECTOR OF POLICE,
KAZHAKKOOTTAM POLICE STATION, KAZHAKKOOTTAM,
THIRUVANANTHAPURAM - 695 582.**

BY PUBLIC PROSECUTOR SRI.C.RASHEED

**THIS BAIL APPLICATION HAVING BEEN FINALLY HEARD
ON 16-10-2015, THE COURT ON THE SAME DAY PASSED
THE FOLLOWING:**

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K.ABRAHAM MATHEW J.

B.A.No.5338 of 2015

Dated this the 16th day of October, 2015

JUDGMENT

Petitioner is the accused in Crime No.1593 of 2015 of Kazhakkootam Police Station. He is alleged to have committed the offence under Section 376 IPC.

2. The case was initially registered under Section 57 of the Kerala Police Act. Later the Investigating Officer filed a report that the investigation has disclosed commission of the offence under Section 376 IPC.

3. The prosecution case is that the victim believed the promise of the petitioner that he would marry her and so she allowed him to have sexual intercourse with her and later it was found that his promise was false.

4. Heard the learned senior counsel appearing for the petitioner and the learned Public Prosecutor.

5. The materials relied on by the prosecution indicate that there was sexual intercourse between the petitioner and the victim. The case was registered when the victim was found missing from her house. Later she was found out by the police when she was allegedly going to commit suicide. The statement of the victim shows that there was sexual intercourse between her and the petitioner and he had physical contacts with her at various places and while travelling in vehicles.

6. An earlier Bail application No.3024 of 2015 filed by the petitioner for the same purpose was dismissed by this court. It is now stated that the investigation is almost complete.

7. A perusal of the case diary inclines me to believe that it is necessary to verify the statements of the victim that she had sexual intercourse with the petitioner and physical contacts with him at various places and while they were travelling in vehicles. It appears that his detention is necessary to verify the statements. It is also submitted by the learned Public Prosecutor that it is necessary to conduct potency test and in the nature of the case and if the petitioner is granted anticipatory bail, it will adversely affect the investigation. I am satisfied that if the petitioner is granted anticipatory bail, it will hamper the investigation. He is also likely to intimidate and influence the witnesses. So I am not inclined to grant his request.

In the result, this application is dismissed.

Sd/-
K.ABRAHAM MATHEW
JUDGE

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/True copy/

P.S.to Judge