

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

WEDNESDAY, THE 9TH DAY OF SEPTEMBER 2015/18TH BHADRA, 1937

BAIL APPL..NO. 5340 OF 2015 ()

CRIME NO.749/2015 OF PUDUNAGARAM POLICE STATION, PALAKKAD

PETITIONER(S)/ACCUSED :

**SURESH, S/O.NARAYANAN,
AGED 44 YEARS,
MODAMPARAMBU, ERUMAYUR,
ALATHUR, PALAKKAD.**

BY ADV. SRI.V.A.JOHNSON (VARIKKAPPALLIL)

RESPONDENT(S)/COMPLAINANT :

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

BY PUBLIC PROSECUTOR SRI. RAJESH VIJAYAN

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

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A. HARIPRASAD, J.

Bail Appl. No.5340 of 2015

Dated this the 9th day of September 2015

ORDER

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

2. Petitioner is the accused in Crime No.749 of 2015 of Pudunagaram Police station registered for the offence punishable under Sec.376 of the Indian Penal Code.

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

4. Learned counsel for the petitioner submitted that the defacto complainant is a 40 year old lady having two children, aged 11 and 13 years. She is a widow. It is alleged that if at all there is any physical relationship between the accused and the defacto complainant, it was on account of her consent.

5. Learned Public Prosecutor opposed the bail application contending that the accused is a married man and the materials in the case diary show that, he extended a promise to marry the defacto complainant and

had physical relationship with her and as a result of which, she has become pregnant.

6. Considering the nature of allegations and the gravity of offence, I am not inclined to grant pre arrest bail to the petitioner.

The petitioner shall surrender before the investigating officer and submit himself for interrogation within a period of two weeks. In that event, he shall be produced before the learned Magistrate having jurisdiction. The petitioner is at liberty to move application for regular bail before the learned Magistrate. The learned Magistrate shall, in that event, consider the bail application on merits as expeditiously as possible.

Sd/-
A. HARIPRASAD
JUDGE

/ True Copy /

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P.A. To Judge