

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

TUESDAY, THE 15TH DAY OF SEPTEMBER 2015/24TH BHADRA, 1937

Bail Appl..No. 5394 of 2015

CRIME NO. 1032/2015 OF THIRURANGADI POLICE STATION, MALAPPURAM DISTRICT.
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PETITIONER/ACCUSED:

**SHAJAHAN, AGED 40 YEARS,
S/O ALIKOYA, KONGANTEPURAKKAL HOUSE,
ALUNGAL BEECH, PARAPPANANGADI P.O,
MALAPPURAM DISTRICT.**

**BY ADVS.SRI.P.S.SREEDHARAN PILLAI
SRI.ARJUN SREEDHAR**

RESPONDENT/COMPLAINANT & STATE:

**STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-31.**

BY PUBLIC PROSECUTOR SMT.R.REMA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 15-09-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

mbr/

A.HARIPRASAD, J.

B.A No.5394 of 2015

Dated this the 15th day of September, 2015.

ORDER

Application for pre-arrest bail under Section 438 Cr.P.C.

2. Petitioner is the accused in Crime No.1032 of 2015 of Thirurangadi Police Station registered for offences punishable under Sections 376 and 420 I.P.C.

3. Prosecution case, in short, is that the accused made the defacto complainant, a widow, believe that he would marry her and on various occasions had physical relationship with her. Further, he received Rs.1,10,000/- from the defacto complainant on some false pretext. The accused is a daily collector in a Co-operative Bank and also a Panchayath member. It is alleged by the prosecution that misusing his position, he committed the offences to the defacto complainant.

4. Heard the learned counsel for the petitioner and the learned Public Prosecutor. I have perused the case diary.

5. Learned counsel for the petitioner submitted that she

filed a complaint to the Superintendent of Police, Malappuram alleging that the accused had obtained Rs.1,10,000/- on various occasions and cheated her. Annexure II is the copy of the complaint filed to the Superintendent of Police, Malappuram. Nowhere in Annexure II, the case of rape is projected, is the contention raised by the learned counsel. Annexure II complaint was filed on 28-07-2015. The materials in the case diary show that the accused alleged to have committed rape on the defacto complainant on 3-08-2015. That is subsequent to the filing of Annexure II complaint. According to the learned counsel for the petitioner this allegation is highly imaginative. Considering the entire materials, following directions are issued :

1. Petitioner shall surrender before the investigating officer within a period of two weeks from today and submit himself for interrogation. Thereafter, he shall execute a bond for Rs.50,000/- (Rupees fifty thousand only) with two solvent sureties each for the like sum to the satisfaction of the Investigating Officer.

2. The sureties shall produce documents to establish their identity and solvency.
3. The petitioner shall appear before the Investigating Officer as and when directed and co-operate with the investigation including the conduct of potency test.
4. The petitioner shall not influence or intimidate the witnesses or meddle with the investigation in any manner.

If any of the above conditions is violated by the petitioner, the learned Magistrate having jurisdiction is free to cancel the bail.

amk

Sd/-
A.HARIPRASAD,
JUDGE.

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P.A to Judge