

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

THURSDAY, THE 1ST DAY OF OCTOBER 2015/9TH ASWINA, 1937

Bail Appl..No. 5469 of 2015

CRIME NO. 570/2015 OF PERAMBRA POLICE STATION , KOZHIKODE

PETITIONER(S)/ACCUSED:

**MANOJAN,
THANIYULLA PARAMBIL, PALERI,
CHERIYA KUMBALAM,
KOILANDY, KOZHIKODE**

**BY ADVS.SRI.NIDHI BALACHANDRAN
SRI.SABU GEORGE**

RESPONDENT(S)/STATE AND COMPLAINT:

- 1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682031.**
- 2. SUB INSPLECTOR OF POLICE,
PERAMBRA POLICE STATION-673525.**

BY PUBLIC PROSECUTOR SMT.T.Y.LALIZA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 01-10-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

PJ

A.HARIPRASAD, J.

B.A. No.5469 of 2015

Dated this the 1st day of October, 2015

ORDER

Petition under Section 438 Cr.P.C

2. Petitioner is the accused in Crime No.570 of 2015 of Perambra Police Station registered for an offence punishable under Section 376 I.P.C.

3. Prosecution case, in short, is that on 03-05-2015 the accused and the defacto complainant were in love. They had physical relationship. In that relationship, she became pregnant. The relationship was established by the accused after promising to marry the defacto complainant. Later, he resiled from the promise and thereby committed the aforementioned offence.

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

5. Learned counsel for the petitioner submitted that Annexure A1 is the marriage certificate issued from Paleri Thottathamkandi Vishnu Temple, Kuttiyadi would show that the

parties have gone in for a customary marriage. The validity of the marriage is not to be decided by a court dealing with bail. However, the fact is that now they are not living together as husband and wife. Considering the facts and circumstances of the case, I am not inclined to grant pre-arrest bail to the petitioner. He shall surrender before the Investigating Officer within one week from today and submit himself for interrogation. The Investigating Officer shall produce him before the learned Magistrate having jurisdiction on the date of surrender itself. Thereafter, the petitioner is free to move for regular bail before the learned Magistrate. In that event, the learned Magistrate shall consider the application as expeditiously as possible on merits.

Sd/-
A.HARIPRASAD,
JUDGE.
//True copy//
P.A to Judge