

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

WEDNESDAY, THE 14TH DAY OF OCTOBER 2015/22ND ASWINA, 1937

Bail Appl..No. 5493 of 2015 ()

CRIME NO. 1579/2015 OF CHATHANNOOR POLICE STATION, KOLLAM DISTRICT

PETITIONER/ACCUSED :

**DHANANJAYAN,
AGED 67 YEARS, S/O. KUNJURAMAN,
PALAZHI, NEAR WEST HIGH SCHOOL
ANCHAL, KOLLAM.**

**BY ADVS.SRI.S.RAJEEV
SRI.K.K.DHEERENDRA KRISHNAN
SRI.V.VINAY**

RESPONDENTS/STATE :

- 1. STATE OF KERALA
REP. BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA
ERNAKULAM - 682 031.
(CRIME NO. 1579/2015 OF CHATHANNOOR POLICE STATION
KOLLAM DISTRICT)**
- 2. STATION HOUSE OFFICER
CHATHANNOOR POLICE STATION
KOLLAM DISTRICT 691 572
(CRIME NO 1579/2015 OF CHATHANNOOR POLICE STATION
KOLLAM DISTRICT)**

R1 & R2 BY PUBLIC PROSECUTOR SMT. LALIZA T.Y.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 14-10-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Mn

A.HARIPRASAD, J.

B.A No.5493 of 2015

Dated this the 14th day of October, 2015.

ORDER

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

2. Petitioner is the accused in Crime No.1579 of 2015 of Chathannoor Police Station registered for an offence punishable under Section 376 I.P.C.

3. Prosecution case, in short, is that on 22-08-2015 at about 10.30 a.m., the petitioner/accused, who is the land lord of the rented house where the defacto complainant is residing came to the house. After entering the house, he called the defacto complainant inside and forcefully pushed her on to a cot and committed rape on her.

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

5. Learned counsel for the petitioner submitted that the petitioner is an old man. He was working in K.S.E.B. He is not involved in any offence so far. According to the learned counsel

for the petitioner the defacto complainant foisted a false case on him because of the enmity that he demanded the defacto complainant to vacate the house.

6. Learned Public Prosecutor opposed the bail application. According to her, the materials in the case diary including the statement of the victim under Section 164 Cr.P.C belies the case of the petitioner. Further, a report submitted by the investigating officer is also produced for perusal. Considering the entire facts and circumstances, I am not inclined to grant pre-arrest bail to the petitioner. Therefore, following directions are issued :

The petitioner shall surrender before the Investigating Officer within a period of one week from today and submit himself for interrogation. Thereafter, he shall be produced before the learned Magistrate having jurisdiction on the same day. The petitioner is free to move for regular bail before the court

below. In that event, the application shall be considered on merits as expeditiously as possible. If petitioner does not surrender in the stipulated time, the Investigating Officer is free to arrest him as if no order is passed in this matter.

Sd/-

**A.HARIPRASAD,
JUDGE.**

//True copy//

P.A to Judge

amk