

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

WEDNESDAY, THE 30TH DAY OF SEPTEMBER 2015/8TH ASWINA, 1937

BAIL APPL..NO. 5734 OF 2015 ()

CRIME NO. 3389/2015 OF PERUMBAVOOR POLICE STATION , ERNAKULAM

PETITIONER(S)/ACCUSED:-:

**SYRUS, AGED 36 YEARS,
PERINJASSERY, VENGOOR,
ERNAKULAM DISTRICT.**

**BY ADVS.SRI.SHAJI THOMAS
SRI.BINU PAUL
SRI.T.V.VINU**

RESPONDENT(S)/STATE & COMPLAINANT:-:

**1. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, KOCHI - 682 031.**

**2. SUB INSPECTOR OF POLICE
PERUMBAVOOR - 683 542.**

BY PUBLIC PROSECUTOR SMT. R. REMA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 30-09-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

NS

A. HARIPRASAD, J.

Bail Appl. No.5734 of 2015

Dated this the 30th day of September 2015

O R D E R

Bail application filed under Sec.438 Cr.P.C.

2. Petitioner is the accused in Crime No.3389 of 2015 of Perumbavoor Police station registered for the offences punishable under Secs.376 and 420 of the Indian Penal Code. The prosecution case in brief is that the accused, after extending a promise to the defacto complainant to marry her, lived with her and had in sexual relationship from February 2014 onwards. During that period, he received 1.5 lakhs from the defacto complainant and refused to return the money and thereby cheated her.

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

4. Learned counsel for the petitioner contended that the case of the accused extending a promise to marry the defacto complainant is totally unbelievable as

the accused is a person aged 36 years and the defacto complainant is aged 53 years.

5. Learned Public Prosecutor submitted that the materials in the case diary shows the deffacto complainant is aged only 40 years. That apart, the statement of the witnesses show the prima facie case urged by the prosecution.

Considering the nature of allegations, I am not inclined to grant anticipatory bail to the petitioner.

The petitioner shall within two weeks surrender before the investigating officer and submit himself for interrogation. After interrogation, the Investigating Officer shall produce him before the learned Magistrate having jurisdiction on the date of surrender itself. The petitioner is free to move for regular bail before the learned Magistrate and in that event, the learned Magistrate may consider the application on merits.

**A. HARIPRASAD
JUDGE**