

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

MONDAY, THE 12TH DAY OF OCTOBER 2015/20TH ASWINA, 1937

Bail Appl..No. 5875 of 2015

CRIME NO. 425/2015 OF PANAMARAM POLICE STATION , WAYANAD

PETITIONER/ACCUSED:

**JINU FASIL, AGED 25 YEARS,
S/O. KHADEEJA, KALATHIL PARAMBU HOUSE,
KANIYAMBETTA POST, KANIYAMBETTA VILLAGE, VYTHIRI TALUK,
WAYANAD DISTRICT, PIN:673122.**

**BY ADVS.SRI.SAJEEVAN KURUKKUTTIYULLATHIL
SMT.SARITHA THOMAS**

RESPONDENT:

**THE STATION HOUSE OFFICER,
PANAMARAM POLICE STATION,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**

BY PUBLIC PROSECUTOR SMT.T.Y.LALIZA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 12-10-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

PJ

A.HARIPRASAD, J.

B.A. No.5875 of 2015

Dated this the 12th day of October, 2015

ORDER

Application under Section 438 of the Code of Criminal Procedure.

2. Accused in Crime No.425 of 2015 of Panamaram Police Station registered for offences punishable under Sections 354 and 511 of 363 of the Indian Penal Code seeks pre-arrest bail.

3. Prosecution case is that on 10.08.2015 at 8.45 a.m., due to animosity nurtured by the petitioner towards the defacto complainant, a girl aged 16 years, since she rejected his request to marry, he tried to kidnap her by pulling her hand and thereby committed offences under Sections 354 and 511 of 363 of the Indian Penal Code.

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

5. Learned counsel for the petitioner submitted that the petitioner and the defacto complainant were in love. Materials are also produced before me to show that they had exchanged letters.

6. Learned Prosecutor opposed the bail application. Materials in the case diary show that the petitioner tried to pull and forcibly take her into his car.

After hearing the learned counsel on both sides I am of the view that the petitioner is not entitled to get pre-arrest bail. Therefore, the following directions:

Petitioner shall surrender before the investigating officer within a period of one week and submit himself for interrogation. Thereafter, the investigating officer shall produce him before the Magistrate having jurisdiction on the date of surrender itself. In that event, he is free to move for bail and the learned Magistrate shall consider the application on merits as expeditiously as possible, if possible on the date of production itself. If petitioner does not surrender before the investigating officer within the said time, the investigating officer is free to arrest him, as if no order is passed in this case.

Application is disposed of.

A. HARIPRASAD, JUDGE.

cks