

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE RAJA VIJAYARAGHAVAN V

THURSDAY, THE 15TH DAY OF OCTOBER 2015/23RD ASWINA, 1937

Bail Appl..No. 6108 of 2015

CRIME NO. 329/2015 OF VELLAMUNDA POLICE STATION, WAYANAD DISTRICT.
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PETITIONER/ACCUSED NO.1:

**GAFOOR.M.V, S/O. JABBAR, AGED 45 YEARS,
MAKKIYAMVALAPPIL HOUSE, KATTAYAD P.O,
VELLAMUNDA, WAYANAD DISTRICT.**

BY ADV. SRI.V.SHYAM

RESPONDENT/COMPLAINANT:

**STATE OF KERALA,
(REPRESENTED BY S.I OF POLICE,
VELLAMUNDA POLICE STATION - CRIME NO. 329/15)
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**

BY PUBLIC PROSECUTOR SMT.MADHU BEN

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 15-10-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

mbr/

RAJA VIJAYARAGHAVAN V, J.

B.A.No.6108 of 2015

Dated this the 15th day of October, 2015

O R D E R

This is an application for anticipatory bail filed under S.438 of Code of Criminal Procedure.

2. The petitioner is the first accused in Crime No.329/2015 of Vellamunda police station. The said crime has been registered for offence punishable under S.452, 354, 294(B) r/w S.34 of IPC.

3. The allegation is that on 13.08.2015 at about 11.45 a.m., the petitioner trespassed into the residential home of the first informant and caught her hand and abused her and thus committed the offence.

4. I have heard the learned counsel appearing for the

petitioner as well as the learned Public Prosecutor.

5. The learned counsel appearing for the petitioner submitted that the informant is a lady with loose morals and he had filed a complaint before the authorities against the informant. It was aggrieved by the above fact that he has been targeted by getting the crime registered as against him.

6. The learned Public Prosecutor, on the other hand, has vehemently opposed the application for anticipatory bail. It was pointed out that the petitioner had jumped the wall and entered the house of the informant and had physically assaulted her.

7. After having considered the rival submissions and nature and gravity of the allegations, the antecedents of the petitioner and the stage of the investigation, I am of the

considered view that the petitioner is not entitled to any relief under S.438 of the Code.

In the result, this bail application is dismissed. However, the petitioner, if he so desires or is so advised, may surrender before the Investigating Officer within ten days from today and in such case, the Investigating Officer shall interrogate the petitioner, and after conducting necessary investigation produce the petitioner without delay before the concerned Judicial First Class Magistrate's Court, where the petitioner can move for bail. In such case, the learned Magistrate shall pass appropriate orders, preferably on the same day itself, provided advance notice on such application has been given to the Assistant Public Prosecutor.

Sd/-

**RAJA VIJAYARAGHAVAN V,
JUDGE.**

Bb

[True copy]

P.A to Judge