

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

TUESDAY, THE 13TH DAY OF OCTOBER 2015/21ST ASWINA, 1937

Bail Appl..No. 6267 of 2015

CRIME NO. 1126/2014 OF IRITTY POLICE STATION, KANNUR DISTRICT.
.....

PETITIONER/ACCUSED:

**P.SHAMEER, S/O.HAMZA, AGED 28 YEARS,
PANYANCHERY HOUSE, CHATHORA,
THILLENKERY, IRITTY TALUK, KANNUR DISTRICT.**

**BY ADVS.SRI.C.KHALID
SRI.PHIJO PRADEESH PHILIP**

RESPONDENT/STATE:

**THE STATION HOUSE OFFICER,
IRITTY POLICE STATION,
THROUGH STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682031.**

BY PUBLIC PROSECUTOR SMT.T.Y.LALIZA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 13-10-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

mbr/

A.HARIPRASAD, J.

B.A No.6267 of 2015

Dated this the 13th day of October, 2015.

ORDER

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

2. Petitioner is the accused in Crime No.1126 of 2014 of Iritty Police Station registered for offences punishable under Sections 376 and 420 I.P.C.

3. The case is originated on the basis of a private complaint filed by the defacto complainant before the learned Magistrate which was forwarded for investigation alleging that the petitioner extended a promise to marry her and thereafter he indulged in sex with the defacto complainant. In that relationship, a child is born. Later, he resiled from the promise.

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

5. Learned counsel for the petitioner submitted that the alleged promise was in the year 2011 and the complaint was filed only in the year 2014. According to the learned counsel that itself reveals the falsity of the story.

6. Learned Public Prosecutor opposed the bail application. Considering the nature of allegations, I am of the view that the petitioner is not entitled to get any pre-arrest bail under Section 438 Cr.P.C. 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//