

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

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

Bail Appl..No. 6291 of 2015 ()

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CRIME NO. 613/2015 OF AREACODE POLICE STATION,
MALAPPURAM DISTRICT
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PETITIONER/2ND ACCUSED :

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FASNA, AGED 27 YEARS,
D/O.,SADIQALI, VALLAMPURATH HOUSE,
KAVANOOR P.O., VAKKALoor, MALAPPURAM DISTRICT.**

BY ADV. SRI.U.K.DEVIDAS

RESPONDENT/COMPLAINANT/STATE :

**-----
STATE OF KERALA
REPRESENTED BY THE SUB INSPECTOR OF POLICE,
AREACODE THROUGH THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**

BY PUBLIC PROSECUTOR SMT. T.Y. LALIZA

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

bp

A.HARIPRASAD, J.

B.A.No.6291 of 2015

Dated this the 15th day of October, 2015

O R D E R

Application filed under Section 438 of the Code of Criminal Procedure.

2. Petitioner is the second accused in Crime No.613 of 2015 Areacode Police Station registered for the offences punishable under Sections 376, 406 and 420 r/w Section 34 of the Indian Penal Code.

3. Prosecution allegation is that first accused on the pretext that he married the defacto complainant, had physical relationship with her. Her ornaments were misappropriated by the first accused and the second accused was an accomplice to that act.

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

5. Leaned counsel for the petitioner submitted that the second accused is the wife of the first accused. Defacto complainant was the friend of the second accused. Later, first accused developed intimacy with

the defacto complainant for which the second accused was objecting. Therefore, a false complaint is filed against her is the allegation.

6. Considering the averments in the complaint and after hearing the counsel on both sides, I am of the view that custodial interrogation of this petitioner is not necessary. Hence, the following directions are issued:

- (a) In the event of arrest, petitioner shall be released on bail on executing a bond for Rs.25,000/- (Rupees twenty five thousand only) with two solvent sureties for the like sum to the satisfaction of the investigating officer.
- (b) The petitioner shall appear before the Investigating Officer as and when required for the purpose of interrogation.
- (c) The petitioner shall co-operate with the investigation of the case.
- (d) The petitioner shall not intimidate or attempt to influence the witnesses.

- (e) The petitioner shall not in any manner interfere or meddle with the investigation.
- (f) Petitioner shall not, during the period of this bail get involved in any offence.

In case any of the above conditions is violated, bail granted hereby is liable to be cancelled for which the investigating officer may move application before the jurisdictional magistrate.

Sd/-
A.HARIPRASAD, JUDGE.

AS

/True Copy/

P.A. to Judge