

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

THURSDAY, THE 29TH DAY OF OCTOBER 2015/7TH KARTHIKA, 1937

Bail Appl..No. 6807 of 2015

CRIME NO. 829/2015 OF KALPETTA POLICE STATION , WAYANAD DISTRICT

PETITIONER(S)/ACCUSED :

**IBRAHIM T.P., AGED 47 YEARS,
S/O.MUHAMMED, THIRUTHIPARAMBIL HOUSE,
VENGAPPALLY VILLAGE, PINANGODE P.O., VYTHIRI TALUK,
WAYANAD DISTRICT.**

BY ADV. SRI.SUNNY MATHEW

RESPONDENT(S)/COMPLAINANTS & STATE :

- 1. SUB INSPECTOR OF POLICE,
KALPETTA POLICE STATION, WAYANAD DISTRICT- 673 001.**
- 2. STATE OF KERALA,
(RESPONDENTS 1 & 2 REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM, COCHIN-682 031).**

BY SR.PUBLIC PROSECUTOR SRI.RAJESH VIJAYAN

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 29-10-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

Msd.

A.HARIPRASAD, J.

B.A. No.6807 of 2015

Dated this the 29th day of October, 2015

ORDER

Application under Section 438 of the Code of Criminal Procedure.

2. Petitioner seeks pre-arrest bail in Kalpetta Police Station Crime No.829 of 2015 registered for offences punishable under Sections 376, 403 and 406 of the Indian Penal Code.

3. Prosecution case is that the petitioner raped the defacto complainant after extending a promise to marry her. It is also alleged that certain amount was received by him after pledging her gold ornaments.

4. Heard both sides.

5. Learned counsel for the petitioner submitted that the story put forward by the prosecution is untrue. The defacto complainant is a maid servant in the petitioner's house. Petitioner's wife was completely bed ridden. It is true that the petitioner intended to marry the defacto complainant. But she was having a marital relationship with another person. Therefore the marriage could not take place. A false complaint has been filed before the Chief Judicial Magistrate Court, Kalpetta which was forwarded for investigation under Section 156(3) of the Code of Criminal Procedure.

Considering the nature of allegations, following directions are issued I am of the view that following directions can be issued:

i. Petitioner shall surrender before the investigating officer within a period of one week and after interrogating him and conducting the required tests, he shall be released on bail in Crime No.829 of 2015 of Kalpetta Police Station on executing a bond for ₹25,000/- (Rupees twentyfive thousand only) with two solvent sureties each for the like sum to the satisfaction of the investigating officer.

ii. The sureties shall produce documents to establish their identity and solvency. The investigating officer need not insist on the solvency certificate, but other documents can also be perused to find out whether the sureties are solvent or not.

iii. Petitioner shall appear before the investigating officer as and when directed in writing and co-operate with the investigation in the matter.

iv. He shall not influence or intimidate the witnesses.

In case of violation of any of the above conditions, the officer concerned is free to arrest the petitioner as if no order is passed.

A. HARIPRASAD, JUDGE.

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