

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

MONDAY, THE 23RD DAY OF NOVEMBER 2015/2ND AGRAHAYANA, 1937

Bail Appl..No. 6883 of 2015

**CRIME NO. 1233/2015 OF PARAPPANGADI POLICE STATION ,
MALAPPURAM DISTRICT**

PETITIONER(S)/ACCUSED:

**SUMESH.P, AGED 34 YEARS,
S/O.VELAYUDHAN, VELLACHALIL(H), THRIPPANACHI POST,
MALAPPURAM-673 641.**

BY ADV. SRI.P.M.HARRIS

RESPONDENT(S)/COMPLAINANT :

- 1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,
REPRESENTING THE SUB INSPECTOR OF POLICE,
PARAPPANANGADI POLICE STATION, MALAPPURAM.**

*** ADDITIONAL R2 IMPEADED**

- 2. THESNI K., AGED 24 YEARS,
KUNJIMAKKANAKATHU HOUSE, ULLANAM P.O., PALATHINGAL,
NEDUVA AMSOM DESOM, PARAPPANANGADI, MALAPPURAM,
KERALA, PIN- 676 303.**

*** ADDITIONAL R2 IS IMPEADED AS PER ORDER DATED 23.11.2015 IN
CRL.M.A.NO.10549 OF 2015.**

**R1 BY PUBLIC PROSECUTOR SMT.T.Y.LALIZA
ADDL.R2 BY ADV. SMT.BINDU GEORGE**

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 23-11-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

Msd.

A.HARIPRASAD, J.

B.A. No.6883 of 2015

Dated this the 23rd day of November, 2015

ORDER

Application for bail under Section 438 of the Code of Criminal Procedure.

2. Petitioner apprehends arrest in Crime No.1233 of 2015 of Parappanangadi Police Station registered for offences punishable under Sections 376, 420 and 406 of the Indian Penal Code. He seeks pre-arrest bail.

3. Allegations,in brief, against the petitioner are that from 06.05.2012 to 05.06.2014 the petitioner made the defacto complainant believe that he would marry her and on many occasions they had physical relationships from Coimbatore and other places. Further the petitioner borrowed ₹90,000/- from the defacto complainant and failed to return the money as promised.

4. Heard the learned counsel for the petitioner and the defacto complainant. Learned Prosecutor is also heard.

5. Learned counsel for the petitioner relying on the exhibits produced along with the bail application contended that the case of promise to marry is a false story and the chats between the defacto

complainant and the petitioner made on internet will reveal that there was no promise to marry.

6. Learned counsel for the defacto complainant opposed the bail application. She contended that some of the conversations in the chat between the defacto complainant and another person was made as instructed by the petitioner.

However, considering the entire documents produced, I am of the view that following order will meet the ends of justice:

i. Petitioner shall surrender before the investigating officer within a period of two weeks and after interrogating him and conducting the required tests, he shall be released on bail in Crime No.1233 of 2015 of Parappanangadi 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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