

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

**THE HONOURABLE MR. JUSTICE A.HARIPRASAD**

**THURSDAY, THE 26TH DAY OF NOVEMBER 2015/5TH AGRAHAYANA, 1937**

**Bail Appl..No. 6906 of 2015**  
-----

**CRIME NO. 448/2015 OF SANTHANPARA POLICE STATION, IDUKKI**  
.....

**PETITIONER(S)/ACCUSED:**  
-----

**NOBLE MATHEW, AGED 43 YEARS,  
S/O.MATHEW, MATHANATTU HOUSE,  
CHERUPURAM RAJAKKAD P.O.,  
IDUKKI DISTRICT-685 566.**

**BY ADVS.SRI.S.SREEKUMAR (SR.)  
SRI.P.MARTIN JOSE  
SRI.M.A.MOHAMMED SIRAJ  
SRI.P.PRIJITH  
SRI.THOMAS P.KURUVILLA**

**RESPONDENT(S):**  
-----

**1. STATE OF KERALA,  
REPRESENTED BY THE PUBLIC PROSECUTOR,  
HIGH COURT OF KERALA, ERNAKULAM-682 031.**

**\* ADDITIONAL R2 IMPLEADED**

**2. REENA ULAHANNA, AGED 37 YEARS,  
D/O.ULAHANNAN, KOCHUNIRAVATH,  
CHEMMANNUR, IDUKKI DISTRICT.**

**\* ADDITIONAL R2 IMPLEADED AS PER ORDER DTD.26.11.2015 IN  
CRL.MA.10460/2015.**

**R1 BY PUBLIC PROSECUTOR SMT.R.REMA  
R2 BY ADV. SRI.S.RAJEEV**

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON  
26-11-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

**msv/**

**A.HARIPRASAD, J.**

-----  
**B.A.No.6906 of 2015**  
-----

Dated this the 26<sup>th</sup> day of November, 2015

**ORDER**

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

2. Petitioner is the accused in Crime No.448 of 2015 of Santhanpara Police Station registered for the offences punishable under Sections 376, 420 and 506(i) of the Indian Penal Code. The case arise out of a private complaint filed before the Magistrate which was forwarded under Section 156(3) Cr.P.C.

3. Heard the learned Senior counsel for the petitioner, learned counsel for the defacto complainant and learned Public Prosecutor.

4. Prosecution case is that for the last 2 years the accused subjected the defacto complainant for forcible sexual intercourse on several occasions at her residence and other places by promising to marry her. It is further alleged that the defacto complainant threatened to do away with her life.

5. Learned Senior counsel for the petitioner relying on Annexures-1 to 12 contended that the defacto complainant is a person of a shady character. According to him, her former husband obtained a divorce through Family Court. Later, she filed a complaint against another person stating that he impregnated her during the subsistence of her first marriage. F.I.Rs have been produced to show that she is in the habit of filling cases. Annexure-6 is the agreement to assign executed between the defacto complainant and the petitioner. It is the case of the petitioner that the defacto complainant is pressurising the petitioner to return the land agreed to be assigned as per the said agreement.

6. Learned counsel for the defacto complainant contended that from the nature of the allegations the petitioner is not entitled to get any anticipatory bail.

7. After hearing counsel on both sides and on perusal of the records, the following directions are issued.

- (a) The petitioner shall surrender before the Investigating Officer within a period of 'two weeks' from today and submit himself for interrogation. After medical examination, if required, he shall be released on bail on executing a bond for ₹50,000/- (Rupees fifty 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) The 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.

**A.HARIPRASAD, JUDGE.**

AS