

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

FRIDAY, THE 13TH DAY OF NOVEMBER 2015/22ND KARTHIKA, 1937

Bail Appl..No. 7059 of 2015

CRIME NO. 1136/2015 OF SULTHAN BATTERY POLICE STATION, WAYANAD

PETITIONER(S)/ACCUSED:

**KHADEEJA RAFEEQ, AGED 24 YEARS,
W/O. RAFEEQ, KALLAYIL HOUSE, PUTHENKUNNU,
RAHMATH NAGAR, SULTHAN VATHERY, WYNAD DISTRICT.**

BY ADV. SRI.UNNIKRISHNAN.V.ALAPATT

RESPONDENT(S)/COMPLAINANT/STATE:

- 1. THE SUB INSPECTOR OF POLICE,
SULTHAN BATHERY POLICE STATION 673 592.**
- 2. THE CIRCLE INSPECTOR OF POLICE,
SULTHAN BATHERY POLICE STATION 673 592.**
- 3. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM 682 031.**

BY PUBLIC PROSECUTOR SRI.C.RASHEED

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 13-11-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

PJ

A.HARIPRASAD, J.

B.A No.7059 of 2015

Dated this the 13th day of November, 2015.

ORDER

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

2. Petitioner is the accused in Crime No.1136 of 2015 of Sulthan Bathery Police Station registered for an offence punishable under Section 302 I.P.C.

3. Prosecution case, in short, is that on 02-11-2015 at about 1.00 a.m., the petitioner after taking her three year old child jumped into a well near her house and in that incident, the child lost its life.

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

5. Learned counsel for the petitioner submitted that the child was a physically handicapped child. The petitioner is not guilty of any offence is the contention of the learned counsel for the petitioner. It is also submitted that she is in a depressed state. Considering the nature of allegations, I am of the view that the petitioner is not entitled to get pre-arrest bail. Hence, following

directions are issued :

The petitioner shall surrender before the Investigating Officer within a period of two weeks from today and submit herself for interrogation. Thereafter, she 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 as expeditiously as possible on merits, if possible on the date of surrender itself, considering the provisions under Section 437 Cr.P.C and considering the fact that the accused is a woman. If petitioner does not surrender in the stipulated time, the Investigating Officer is free to arrest her as if no order is passed in this matter.

**Sd/-
A.HARIPRASAD,
JUDGE.**

amk

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PA to Judge