

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.P.JYOTHINDRANATH

WEDNESDAY, THE 2ND DAY OF DECEMBER 2015/11TH AGRAHAYANA, 1937

Bail Appl..No. 7116 of 2015

CRIME NO. 610/2015 OF NEYYARDAM POLICE STATION, THIRUVANANTHAPURAM
.....

PETITIONER(S)/ACCUSED:

**SADASIVAN ASARI, AGED 53 YEARS,
S/O. RAMANKATTY ASARI, HARIMUGUTHU VEEDU, KALATHUKAL,
KARAKULAM P.O., THIRUVANANTHAPURAM.**

BY ADV. SRI.SHAJIN S.HAMEED

RESPONDENT(S)/STATE:

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

BY PUBLIC PROSECUTOR SMT.V.H.JASMINE

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
02-12-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

msv/

K.P. JYOTHINDRANATH, J.

B.A. No.7116 of 2015

Dated this the 2nd day of December, 2015

O R D E R

This is an application filed under Section 438 of the Code of Criminal Procedure.

2. When the application came up for hearing, the learned counsel for the petitioner submitted before me that here is a false case wherein the defacto complainant is making use of the crime to extract money. It is the submission before me that as per the prosecution case the petitioner went to a hospital on 5.9.2015 and committed an offence under Section 354 of I.P.C.

3. The owner of the said hospital is a friend of the petitioner herein. When the petitioner saw the defacto complainant he understood that she is an accused in a criminal case where the defacto complainant is a relative of the petitioner herein. The said fact was informed to the doctor who owns the hospital. As a counter blast or to take

vengeance, a false complaint has been filed before the police making use of her contacts as an earlier prisoner.

4. I heard the learned Public Prosecutor, who submitted before me that here is a case where the alleged offence is under Section 354 of IPC and the investigation is going on. It is further submitted that here is a case where interrogation is necessary and if bail granted it will give a wrong signal to the society.

5. After considering the rival contentions and also after going through the documents produced by the petitioner which indicate that the defacto complainant has connection with some crimes, I feel that it may not be proper to grant an anticipatory bail order in this case. But at the very same time it may only just and proper to give direction as follows:

The petitioner shall appear before the Investigating Officer within 10 days of this order. On such appearance, after interrogation, if the police officer feels that this is a case where arrest is necessary, he is at liberty to arrest the

petitioner in accordance with law. If arrested, the petitioner shall be produced before the concerned Magistrate within the time stipulated in the Cr.P.C. On such production, if a bail application is moved by giving advance notice to the Assistant Public Prosecutor regarding the intention to surrender before the police, such bail application shall be considered by the learned Magistrate on the very same day.

Sd/-

**K.P. JYOTHINDRANATH
JUDGE**

//True copy//

P.A. TO JUDGE

shg/