

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

THURSDAY, THE 3RD DAY OF DECEMBER 2015/12TH AGRAHAYANA, 1937

Bail Appl..No. 7278 of 2015

CRIME NO. 522/2015 OF VATANAPPILLY POLICE STATION, THRISSUR.
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PETITIONER/ACCUSED:

**MANIKANDAN, AGED 45,
S/O.RAMAKRISHNAN, VADAKKAN HOUSE,
VADANAPPILLY BEACH.P.O.,
THRISSUR DISTRICT - 680 14.**

BY ADV. SRI.P.RAMACHANDRAN

RESPONDENT(S)/COMPLAINANT:

- 1. THE STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM,
COCHIN-31.**
- 2. THE SUB INSPECTOR OF POLICE,
VADANAPPILLY POLICE STATION,
VADANAPPILLY.P.O., THRISSUR DISTRICT - 680 614.**
- 3. MANI, D/O.VELAYUDHAN, AGED 35,
THER HOUSE, VADANAPPILLY BEACH.P.O.,
THRISSUR DISTRICT - 680 614.**

**R1 & R2 BY PUBLIC PROSECUTOR SMT.R.REMA
R3 BY ADV. SRI.P.K.SAJEEV**

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 03-12-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

mbr/

A.HARIPRASAD, J.

B.A. No. 7278 of 2015

Dated this the 3rd day of December, 2015

ORDER

Petition under Section 438 of the Cr.P.C

2. Petitioner is the accused in Crime No.522 of 2015 of Vadanapilly Police Station registered for an offence punishable under Section 376 I.P.C.

3. Prosecution case, in short, is that on 11-04-2015 at about 3.00 p.m., the accused called the defacto complainant to his house and committed rape on her.

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

5. Learned counsel for the petitioner submitted that the entire prosecution case is false. Realising the falsity, the defacto complainant voluntarily filed an affidavit stating that the matter has been settled. The affidavit filed by the defacto complainant

is produced as Annexure I. Learned Public Prosecutor submitted the case diary for perusal. It contains a statement of the victim, recorded in the presence of a woman police constable by the Sub Inspector of Police, Vadanappilly, wherein the defacto complainant has stated that she is not willing to compromise the case. Further, it is a non-compoundable offence. Learned counsel for the defacto complainant as well as the petitioner submitted that according to their instructions, no incident has happened as alleged. It is submitted that she has filed another affidavit supporting the first affidavit. I am not inclined to accept those versions and to grant pre-arrest bail to the petitioner. Therefore, the petitioner shall surrender before the Investigating Officer in the above crime within a period of two weeks from today and submit himself for interrogation. Thereafter, the Investigating Officer shall produce him before the learned Magistrate and then the petitioner is free to move for

regular bail. In that event, the learned Magistrate shall consider the bail application on merits on the same day, if possible, untrammelled by any of the observations contained in this order and pass appropriate orders.

Sd/-
A.HARIPRASAD,
JUDGE.

//True copy//

PA to Judge

amk