

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

FRIDAY, THE 27TH DAY OF NOVEMBER 2015/6TH AGRAHAYANA, 1937

Bail Appl..No. 7354 of 2015

CRIME NO. 877/2013 OF PETTA POLICE STATION, THIRUVANANTHAPURAM
.....

PETITIONER(S)/ACCUSED:

**SHAM SUNDARESAN,
S/O.SUNDARESAN, TC 76/2434. RESIDENCE NO.ARA 337,
KIZHAKKATHIL JUNCTION, OOLANKUZH,
KADAKAMPILLY VILLAGE - 695 007.**

**BY ADVS.SRI.G.P.SHINOD
SRI.RAM MOHAN.G.
SRI.MANU V.
SRI.GOVIND PADMANAABHAN
SRI.AJIT G.ANJARLEKAR**

RESPONDENT(S)/STATE AND THE INVESTIGATING OFFICER:

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

BY SENIOR PUBLIC PROSECUTOR SRI.N.SURESH

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
27-11-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

msv/

A.HARIPRASAD, J.

B.A. No.7354 of 2015

Dated this the 27th day of November, 2015

ORDER

Application for bail under Section 438 Cr.P.C.

2. Petitioner is an accused in Crime No.877 of 2013 of Pettah Police Station registered for offences punishable under Section 376 r/w Section 420 I.P.C.

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

4. Prosecution case, in short, is that the petitioner held out to the defacto complainant that he would marry her and on that promise, he had physical relationship with her from 2010 to 2013 on various occasions and at various places.

5. Learned counsel for the petitioner submitted that Annexure A first information statement would show that the story put forward by the defacto complainant is highly improbable and imaginative. According to him, the petitioner was a person working abroad and there was no occasion for the petitioner to make such a promise to the defacto complainant as alleged. Learned Public

Prosecutor opposed the bail application. According to him, custodial interrogation of the accused is necessary for bringing out relevant facts in this case. Considering the entire facts and circumstances, I am not inclined to grant pre-arrest bail to the petitioner. Hence the following order :

The petitioner shall surrender before the Investigating Officer within a period of two weeks from today and submit himself for interrogation. Thereafter, he 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 on merits as expeditiously as possible on the date of surrender itself. If petitioner does not surrender in the stipulated time, the Investigating Officer is free to arrest him as if no order is passed in this matter.

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

amk

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P.A to Judge