

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. 7498 of 2015 ()

CRIME NO. 718/2015 OF PULPALLY POLICE STATION, WAYANAD DISTRICT

PETITIONER/ACCUSED :

**SOMAN D.V.,
S/O.VELU ACHARY, AGED 56 YEARS
DEVASSERI HOUSE, AMARAKUNI P.O.
PULPALLY, WAYANAD DISTRICT.**

BY ADV. SRI.JOSE KURIAKOSE (VILANGATTIL)

RESPONDENT/COMPLAINANT :

**STATE OF KERALA
(REP. BY S.I. OF POLICE
PULPALLY POLICE STATION - CRIME NO.718/2015)
REP. BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA,
ERNAKULAM.**

BY PUBLIC PROSECUTOR SMT. R. REMA

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

Mn

A. HARIPRASAD, J.

Bail Appl. No.7498 of 2015

Dated this the 3rd day of December 2015

ORDER

Bail application filed under Sec.438 Cr.P.C.

2. Petitioner seeks pre arrest bail in Crime No.718 of 2015 of Pulpally Police station registered for the offences punishable under Sec.376 of the Indian Penal Code and Sec.3 read with Sec.4,5(n)(l) read with Sec.6 of the Protection of Children from Sexual Offences Act, 2012. Prosecution case is that the petitioner attempted to commit rape on a girl aged 10 years from his shop. It is alleged that while the defacto complainant went to his shop to purchase articles, he took her inside and attempted to commit the aforesaid offences. It is the further case of the prosecution that, after the incident, the petitioner trespassed into a reserve forest and attempted to commit suicide by firing a gun and thereby committed the offences under Sec.309 of the Indian Penal Code and under the Arms Act. The petitioner is said to be in a critical condition admitted to a hospital. The

instruction given to the learned Public Prosecutor is that he is on ventilator.

3. Heard both sides.

4. Considering the above mentioned facts, I am of the view that the petitioner cannot be arrested in a non bailable offence in his present physical condition. Therefore, the application is disposed of with a direction that if the investigating officer wants to arrest the petitioner after discharging him from hospital, a notice under Sec.41A of the Code of Criminal Procedure shall be issued to him and the investigating officer shall proceed with the matter in accordance with law.

Sd/-
A. HARIPRASAD
JUDGE

/ True Copy /

NS/03/12/2015

P.A. To Judge