

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.P.JYOTHINDRANATH

THURSDAY, THE 17TH DAY OF DECEMBER 2015/26TH AGRAHAYANA, 1937

Bail Appl..No. 7623 of 2015

CRIME NO. 2128/2015 OF PANDALAM POLICE STATION, PATHANAMTITTA

PETITIONER(S)/ACCUSED:

**ASHOK KUMAR, AGED 38 YEARS,
KOTTAYATH HOUSE, THONNALLOOR, PANDALAM,
PATHANAMTHITTA.**

**BY ADVS.SRI.S.RAJEEV
SRI.K.K.DHEERENDRAKRISHNAN
SRI.V.VINAY**

RESPONDENT(S)/STATE:

- 1. STATE OF KERALA,
REP. BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM 682 031,
(CRIME NO.2128/15 OF PANDALAM STATION,
PATHANAMTHITTA DISTRICT).**
- 2. STATION HOUSE OFFICER,
PANDALAM POLICE STATION,
PATHANAMTHITTA DISTRICT - 689 501 (CRIME NO.
2128/15 OF PANDALAM STATION,
PATHANAMTHITTA DISTRICT).**

BY PUBLIC PROSECUTOR SMT.SEENA RAMAKRISHNAN

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 17-12-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

PJ

K.P. JYOTHINDRANATH, J.

B.A. No.7623 of 2015

Dated this the 17th 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 petition came up for hearing, the learned counsel for the petitioner submitted before me that the petitioner is apprehending arrest and detention in connection with crime No.2128/2015 of Pandalam Police Station wherein the offences alleged are under Sections 376, 417 and 506(i) of IPC.

3. The submission of the learned counsel is that even though there is an offence alleged under Section 376 of IPC, the facts and circumstances will reveal that the petitioner is innocent of the allegations made against him. It is the further submission that the petitioner now got married on 26.11.2015. It is also submitted before me that the defacto complainant is a widow, who is working as Nurse. It is also submitted before me that she used to come to the

petitioner's house to dress the wound of the petitioner's mother. As such the petitioner knows the woman. It is the further submission that when she came to know about the marriage of the petitioner, infuriated defacto complainant, after consultation with legal brains, made a complaint before the police and the above said crime has got registered.

4. The learned Public Prosecutor submitted before me that it is a grave crime and investigation is going on. If anticipatory bail is granted, it will cause hurdle on the process of investigation.

5. After hearing the learned counsel for the petitioner as well as the learned Public Prosecutor, the following orders are passed:

The petitioner, if so advised, shall appear before the Investigating Officer within ten days of this order. On such appearance, the Investigating Officer is at liberty to interrogate the petitioner. After interrogation, if the police officer feels that arrest is necessary, he is at liberty

to arrest the petitioner and after arrest, the Investigating Officer is at liberty to continue the investigation like potency test etc., thereafter he can produce the petitioner before the concerned Magistrate and if required a custody application can also be moved. On such production, if a bail application is moved giving advance notice to the concerned Assistant Public Prosecutor/Prosecutor regarding the surrender and the intention to move bail application, the said bail application shall be considered expeditiously. It is made clear that, if there is a custody application, the bail application can be kept in abeyance till the custody is over. Thereafter, appropriate orders can be passed on the said bail application by the learned Magistrate.

With the above directions, this anticipatory bail application dismissed.

Sd/-
K.P. JYOTHINDRANATH
JUDGE
//True copy//
P.A. TO JUDGE

shg/