

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

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

Bail Appl..No. 7792 of 2015 ()

CRIME NO. 318/2015 OF KOTTIYAM POLICE STATION, KOLLAM DISTRICT

PETITIONER/ACCUSED :

**ANSHAD, AGED 25 YEARS
S/O. THAHA, CHIRAYIL VEEDU, CHEEREEKONAM
KANNANALLOOR P.O., THRIKKOVLVATTOM VILLAGE
KOLLAM DISTRICT.**

**BY ADVS.SRI.BLAZE K. JOSE
SRI.M.RAJESH**

RESPONDENTS/COMPLAINANT :

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

**2. THE ASSISTANT COMMISSIONER OF POLICE
CHATHANNOOR, PIN - 691 572.**

R1 & R2 BY SR. PUBLIC PROSECUTOR SRI. SHIBU JOSEPH

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

Mn

A.HARIPRASAD, J.

B.A. No.7792 of 2015

Dated this the 17th day of December, 2015

ORDER

Application for pre-arrest bail under Section 438 Cr.P.C.

2. Petitioner is the accused in Crime No.318 of 2015 of Kottiyam Police Station registered for offences punishable under Sections 376 I.P.C and Section 3(1)(xi) and 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

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

4. Learned Public Prosecutor opposed the bail application.

5. This Court as per order in B.A No.4159/2015 dated 04-08-2015 dismissed the application of the petitioner for the same relief. Learned counsel for the petitioner submitted that subsequently the defacto complainant filed an affidavit before this Court stating that she has no objection in quashing the first information report in the crime. Petitioner had approached this Court under Section 482

Cr.P.C for quashing the crime. In that matter, the affidavit was filed. Later, the petitioner submitted that the matter is not pressed and the application for quashing the first information report was dismissed.

6. Learned counsel for the petitioner submitted that there was a bargain for huge amount which the petitioner could not meet. That is why he endorsed that the petition is not pressed. According to him that is a change of circumstances.

7. I am not impressed about the contentions raised, especially when the case diary shows that the defacto complainant has retracted from the averments in the affidavit. Considering the nature of allegations, I do not find any merit in the application. Hence, bail application is dismissed as it is an abuse of the process of court.

amk

**A.HARIPRASAD,
JUDGE.**