

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.P.JYOTHINDRANATH

FRIDAY, THE 18TH DAY OF DECEMBER 2015/27TH AGRAHAYANA, 1937

Bail Appl..No. 7923 of 2015 ()

**-----
CRIME NO. 1281/2015 OF VALIYATHURA POLICE STATION,
THIRUVANANTHAPURAM DISTRICT.**

.....

PETITIONER/3RD ACCUSED:

**-----
RAHEES, AGED 24 YEARS,
S/O. NAZIRUDEEN, T.C 35/789, PUTHENPALAM,
VALLAKKADAVU P.O., THIRUVANANTHAPURAM.**

**BY ADVS.SRI.GOPAKUMAR R.THALIYAL,
SRI.R.B.RAJESH.**

RESPONDENT/STATE/COMPLAINANT:

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

BY PUBLIC PROSECUTOR SMT.S. HYMA.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 18-12-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

rs.

K.P. JYOTHINDRANATH, J.

B.A. No. 7923 of 2015

Dated this the 18th day of December, 2015

O R D E R

This is an application filed under Section 438 of the Code of Criminal Procedure. The applicant is apprehending arrest and detention in connection with crime No. 1281/2015 of Valiyathura Police Station, Thiruvananthapuram, where the offence alleged is under Section 393 read with Section 34 of Indian Penal Code.

2. The allegation of facts in a nutshell is that on 29/09/2015 at about 10.30 p.m., while the de facto complainant was sitting along with a girl on a car parked at Shangumugham Beach side, the accused committed an offence under Section 293 of Indian Penal Code.

3. The counsel submitted before me that the allegation is false and it is only a fact that the petitioner is a football

player and under some misunderstanding, he is implicated in the crime. He has nothing to do with the alleged offence.

4. I heard the learned Public Prosecutor.

5. The prosecutor submitted before me that it is a serious crime and interrogation is highly necessary. After considering the gravity of the offence, I am not inclined to grant anticipatory bail.

The petitioner can very well surrender before the police and co-operate with the investigation. After surrender, if a bail application is moved before the Magistrate, it can be considered on merit, untrammelled by the observations and dismissal of this application. Hence, this anticipatory bail application is dismissed.

Sd/-
K.P. JYOTHINDRANATH
JUDGE

bpr

//TRUE COPY//

P.A. TO JUDGE