

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

WEDNESDAY, THE 25TH DAY OF MARCH 2015/4TH CHAITHRA, 1937

Bail Appl..No. 8819 of 2014 ()

CRIME NO. 1270/2014 OF VANCHIYOOR POLICE STATION, THIRUVANANTHAPURAM

APPLICANT/ACCUSED :

**K.M.THAJUDHEEN, AGED 54 YEARS
S/O.LATE K.M.KASSIM MUSTAPHA, D.K.QUARTERS
CHERATTUKUZH, MALAPPURAM DISTRICT.**

**BY ADVS.SRI.P.VENUGOPAL
SMT.T.J.MARIA GORETTI**

RESPONDENT/COMPLAINANT :

**STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM
(REPRESENTING S.I OF POLICE
VANCHIYOOR POLICE STATION - CRIME NO.1270/2014)**

BY PUBLIC PROSECUTOR SMT. LALIZA T.Y.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 25-03-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Mn

B.KEMAL PASHA, J.

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B.A.No.8819 of 2014

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Dated this the 25th day of March, 2015

ORDER

Petition filed under Section 438 Cr.P.C.

2. The petitioner is the accused in Crime No.1270 of 2014 of the Vanchiyoor Police Station, registered for the offences punishable under Sections 354, 506(i) and 323 of the Indian Penal Code.

3. The defacto complainant was the wife of the petitioner. As she was treated with cruelty by the petitioner and she was harassed and tortured, a crime was registered as Crime No.1463 of 2014 against the petitioner and others by the Poonthura Police for the offences punishable under Section 498A read with Section 34 of the Indian Penal Code. He had sought for anticipatory bail in the matter. Matter was

referred for mediation. On 01.11.2014, when the mediation proceedings were there, the defacto complainant appeared for mediation. After mediation, when she was about to leave, it is alleged that the petitioner had intimidated the defacto complainant by stating that she should depose in the case by favouring him. When she stepped into the court premise for going home, he fisted on her back and slapped her, thereby she fell down. He pulled and removed her shawl in the court compound.

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

5. The contents of the CD *prima facie* reveal the complicity of the petitioner. When the defacto complainant was attacked in the court compound when she had appeared for mediation as directed by the learned Sessions Judge, the acts of the petitioner have to be viewed very seriously. This is not a fit case wherein anticipatory bail can be granted to the petitioner.

6. The learned counsel for the petitioner seeks for an opportunity to the petitioner to surrender before the

investigating officer and to co-operate with the investigation.

In the result, this bail application is dismissed. At the same time, if so advised, the petitioner may surrender before the investigating officer within ten days from today and in such case, the investigating officer can interrogate the petitioner, effect recovery if any, and conduct the investigation and produce the petitioner without delay before the court below, where the petitioner can move for bail. In such case, the learned Magistrate shall pass appropriate orders, preferably on the same day itself, provided advance notice on such application has been given to the Assistant Public Prosecutor also.

Sd/-

B.KEMAL PASHA
JUDGE

DSV/25/3/15

// True Copy //

P.A. To Judge