

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

**THE HONOURABLE MR. JUSTICE B.KEMAL PASHA**

**FRIDAY, THE 9TH DAY OF JANUARY 2015/19TH POUSHA, 1936**

**Bail Appl..No. 9129 of 2014**  
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**CRIME NO. 586/2014 OF VELLAYIL POLICE STATION , KOZHIKODE**  
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**PETITIONER(S)/ACCUSED :**  
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**NIKHIN K.V., AGED 23 YEARS  
S/O. PRADEEPKUMAR, VYSAGAM, PERICHIVALAPPIL,  
B.G.ROAD, WEST HILL P.O., KOZHIKODE.**

**BY ADVS.SRI.R.BINDU (SASTHAMANGALAM)  
SRI.PRASANTH M.P**

**RESPONDENT(S)/COMPLAINANT & STATE :**  
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- 1. SUB INSPECTOR OF POLICE,  
VELLAYIL POLICE STATION,  
VALLAYIL, KOZHIKODE.**
- 2. STATE OF KERALA  
REPRESENTED BY PUBLIC PROSECUTOR,  
HIGH COURT OF KERALA, ERNAKULAM,  
KOCHI-682 031.**

**BY PUBLIC PROSECUTOR SMT.LALIZA T.Y.**

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 09-01-2015,  
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

**PJ**

**B. KEMAL PASHA, J.**

.....  
B.A. No.9129 of 2014  
.....

*Dated this the 9<sup>th</sup> day of January, 2015*

**ORDER**

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Petition under Section 438 Cr.P.C.

2. Petitioner is the accused in Crime No.586/2014 of Vellayil Police Station registered for the offence punishable under Section 376(i) IPC.

3. The allegation against the petitioner is that he had enticed the *defacto complainant* while she was a 9<sup>th</sup> standard student. From that period onwards, by assuring that he would marry her, he continuously had penetrative sexual assault with the girl. The said assurances were repeated. It seems that thereafter, he had withdrawn from the promise and gone to Bangalore.

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

5. The contents of the CD, *prima facie*, reveal the

complicity of the petitioner. The investigation of this case is not over. The report of the investigating officer also reveals that the custodial interrogation of the petitioner is required for the continued investigation of this case. Considering the seriousness of the allegations against the petitioner and the present stage of the investigation, I am of the view that this is not a fit case wherein anticipatory bail can be granted to the petitioner.

In the result, this bail application is dismissed.

Sd/-  
**(B.KEMAL PASHA, JUDGE)**

aks/09/01

*// True Copy //*

*PA to Judge*