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Prasad Vs. State of Kerala

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Court : Kerala

Decided On : Jan-29-2013

Judge : Honourable Mr.Justice P.Bhavadasan

Appellant : Prasad

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE P.BHAVADASAN TUESDAY, THE 29TH DAY OF JANUARY 2013 9TH MAGHA 193 Bail Appl..No. 9762 of 2012 () ---------- * CRIME NO. 21/2008 OF MANNARKKAD POLICE STATION , PALAKKAD. (THE NAME OF THE POLICE STATION "MANNARKKAD POLICE STATION" OCCURRING IN THE BAIL APPLICATION IS CORRECTED AND SUBSTITUTED AS "TOWN SOUTH POLICE STATION, PALAKKAD AS PER ORDER DATED 10 01/2013 IN CRL.M.A. NO.250/2013 IN B.A.9762/2012). ..... PETITIONER/ACCUSED: ---------- PRASAD, AGED 3 YEARS, S/O.RAMAKRISHNAN, PACHEERI HOUSE, KAIDACHIRA, MANNARKKAD. BY ADV. SRI.C.M.KAMMAPPU. RESPONDENT/COMPLAINANT/STATE:
---------- STATE OF KERALA, REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM, REPRESENTING STATION HOUSE OFFICER, MANNARKAD POLICE STATION, PALAKKAD DIST. BY PUBLIC PROSECUTOR MR.V.S. SREEJITH.

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 29-01-2013, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: rs. P. BHAVADASAN, J.

- B.A. No.9762 of 2012 - Dated this the 29th day of January, 2013

ORDER

The petitioner is one of the accused in Crime No.21/2008 of Town South Police Station, Palakkad who is alleged who have committed the offence punishable under Sections 365, 354, 323, 506 (1) r/w 34 of IPC.

2. The allegation which lead to the issue and registered the crime is that the defacto complainant was abducted in a van after throwing chilly powder on her face and subsequently assaulted also. The petitioner claims that he has been falsely implicated with ulterior motive. He seeks pre-arrest bail.

3. The learned Public Prosecutor points out that subsequently Section 376 (e) has also been added on the basis of the statement by the victim in that regard and the matter has become very serious. It is also stated that the investigating agency is not able to locate the victim. It is further pointed out that the investigation is only progressing and if the petitioner released on bail, he will hamper the investigation. B.A. No.9762 of 2012 -2- 4. After having heard the learned counsel for the petitioner, the learned Public Prosecutor and considering the nature of allegations raised against him, the claim of the petitioner that he is falsely implicated does not appear to be true. Subsequently the offence under Section 376 (g) has alo been incorporated. The allegations raised against the petitioner are serious and grave in nature. Considering the allegations and also the fact that the investigation is at the initial stage preclude this court from granting relief to the petitioner. The petition is accordingly dismissed. However, if so advised, the petitioner may surrender before the Investigating Officer on or before 05.02.2013, who after interrogation, shall produce him before the JFCM Court concerned. If the petitioner moves an application for regular bail before the said court, the learned Magistrate may pass orders thereon in accordance law, on the same day itself. Sd/- P. BHAVADASAN JUDGE //True copy// P.A. TO JUDGE shg/

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