

**Sayyed Rafeeqe, vs State of Kerala,**

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**SooperKanoon Citation :** [sooperkanoon.com/1317043](https://sooperkanoon.com/1317043)

**Court :** Kerala Orders

**Decided On :** Mar-26-2024

**Judge :** Honourable Mr.Justice P.G. Ajithkumar

**Appeal No. :** Bail Appl./2241/2024

**Appellant :** Sayyed Rafeeqe,

**Respondent :** State of Kerala,

**Judgement :**

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE P.G. AJITHKUMAR  
TUESDAY, THE 26TH DAY OF MARCH 2024 / 6TH CHAITHRA, 1946  
BAIL APPL. NO. 2241 OF 2024 CRIME NO.58/2024 OF MELPARAMBA  
POLICE STATION, Kasargod PETITIONER/S: SAYYED RAFEEQUE,  
AGED 33 YEARS S/O. SAYYED AHAMED,R/AT. CHEMANAD HOUSE,  
CHEMANAD KALANAD POST, KASARAGOD DISTRICT, PIN - 671317  
BY ADV P.RAKESH THAMBAN RESPONDENT/S: STATE OF KERALA,  
REPRESENTED BY PUBLIC PROSECUTOR,HIGH COURT OF  
KERALA, PIN - 682031 OTHER PRESENT: PRASHANTH MP...GP  
THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON  
26.03.2024, THE COURT ON THE SAME DAY DELIVERED THE

FOLLOWING:

**P.G. AJITHKUMAR, J.**

----- B.A.No. 2241 of 2024

----- Dated this the 26th day of March, 2024

## **ORDER**

This is an application for bail filed under Section 439 of the Code of Criminal Procedure, 1973.

2. The petitioner is the 8th accused in Crime

No.58 of 2024 of Melparamba Police Station. He allegedly had committed the offences punishable under Section 120B, 364A, 342, 323, 506(1), 384 and 389 read with 34 of Indian Penal Code 1860.

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

4. The prosecution allegation are the

following: - The 3rd accused, after est

took the defacto complainant to Mangalapuram. After bringing him to a hotel at Mangalapuram, snapped his nude photos and making use of the photographs, the accused persons threatened him that a prosecution will be initiated against with the allegation that he committed rape on the 3rd accused. On such threat and

coercionm the accused extracted Rs.5 lakhs

revealed and he was added as the 8th accused.

5. The petitione would contend that he did not

involve in the alleged crime and without any material or evidence, he has been implicated in the crime. He is innocent. The investigation in the matter has been progressed considerably and there is no reason or justification for his further

detention.

6. The learned Public Prosecutor would submit

that considering the seriousness of the offence and the possibility of interfering with the investigation by the petitioner in the event of his release on bail, this petition deserves only to be dismissed. It is also submitted that the investigation is in its initial state and unless the petitioner is interrogated in custody, the investigation cannot be taken to its logical conclusion.

7. The offences alleged against the petitioner as well as other accused are very serious. The

submission of the learned counsel for the petitioner that petitioner has absolutely no connection with the crime is not able to be accepted when the materials collected during the investigation, particularly CCTV footages establish his complicity with the crime.

8. Having heard the learned counsel appearing for the petitioner and the learned Public Prosecutor, and considering the nature and gravity of the

offence, I am convinced that release of the petitioner at this stage will adversely affect the process of investigation. Hence, the petitioner is not entitled to be released on bail at this stage. In the result, the bail application is dismissed with a direction that, in the event of arrest, the petitioner shall not be subjected to any harassment and after necessary process of investigation, shall

be produced before the jurisdictional Magistrate within the time stipulated in Sec.57 of the Code. Sd/- P.G. AJITHKUMAR, JUDGE SM APPENDIX OF BAIL APPL. 2241/2024 PETITIONER ANNEXURES Annexure A1 TRUE COPY OF THE FIR IN CRIME NO.58/2024 OF MELPARAMBA POLICE STATION Annexure A2 TRUE COPY OF THE DISMISSAL ORDER IN CRL.MC.NO.217/2024 DATED 24.02.2024