

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE BECHU KURIAN THOMAS

THURSDAY, THE 17TH DAY OF NOVEMBER 2022 / 26TH KARTHIKA, 1944

BAIL APPL. NO. 8647 OF 2022

Crime No.569 of 2022 of Pattambi Police Station, Palakkad

PETITIONER/ACCUSED:

SHAMSUDEEN
AGED 39 YEARS
SON OF KUNHIKAMMU, CHAKKINGATHODI HOUSE, CHERUKODE P.O,
VALLAPPUZHA,
PATTAMBI, PALAKKAD DISTRICT., PIN - 679336
BY ADV NIREESH MATHEW

RESPONDENT/COMPLAINANT:

STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
PIN - 682031
BY ADV PUBLIC PROSECUTOR

OTHER PRESENT:

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PP SMT.M.K PUSHPALATHA

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
17.11.2022, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

BECHU KURIAN THOMAS, J.

B.A.NO. 8647 of 2022

Dated this the 17th day of November, 2022

ORDER

This is an application for pre-arrest bail filed under Section 438 of the Code of Criminal Procedure, 1973.

2. Petitioner is the 1st accused in Crime No.569 of 2022 of Pattambi Police Station, Palakkad District, alleging offences under Sections 354(A)(1)(iii), 354D and 376(2)(a) and 506(ii) of the Indian Penal Code, 1860 apart from Section 66(E) of the Information Technology Act, 2000.

3. The petitioner had approached this Court in BA.6767 of 2022 and by order dated 16-09-2022 the said bail application was dismissed. For the last two months, petitioner remained aloof from the Investigating Officer and has now preferred this fresh anticipatory bail application, alleging a change of circumstances.

4. The change of circumstance pleaded is based upon certain financial transactions in Annexure 3 to Annexure 6, allegedly transacted between the petitioner and the victim. On a perusal of the said documents, I am satisfied that they were all available with the petitioner at the time, the earlier bail application was moved and therefore these documents cannot be treated as a change of

circumstance. The attempt of the petitioner by filing this bail application can only be treated as a review of the earlier bail application which is not maintainable.

In such a view of the matter, I find no change of circumstances as contended by the learned counsel for the petitioner. Hence, this bail application is dismissed.

BECHU KURIAN THOMAS
JUDGE

AJM
18/11/2022