

Kerala High Court

Sanal Kumar vs State Of Kerala on 1 September, 2008

IN THE HIGH COURT OF KERALA AT ERNAKULAM

Crl.MC.No. 3309 of 2008()

1. SANAL KUMAR, AGED 21 YEARS,
... Petitioner

Vs

1. STATE OF KERALA
... Respondent

For Petitioner : SRI.C.K.JAYAKUMAR

For Respondent : No Appearance

The Hon'ble MR. Justice R.BASANT

Dated : 01/09/2008

O R D E R

R. BASANT, J.

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Crl.M.C.No. 3309 of 2008

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Dated this the 1st day of September, 2008

O R D E R

Against the petitioner allegations are raised under Sections 366A and 376 I.P.C. The allegation is that he kidnapped and committed rape on a girl, alleged to be his fiancée aged about 16 years. The counsel for the petitioner submits that there is unassailable material to show that the alleged victim has crossed the age of 16 years. The petitioner raised a contention that he has not committed any offence and at any rate the offence under Sections 366 A and 376 I.P.C. would not lie against him. That contention was raised before another Bench of this Court when the petitioner claimed anticipatory bail, which has now been rejected. He apprehends imminent arrest.

2. The petitioner has now come to this court with a prayer that powers under Section 482 Cr.P.C. may be invoked. Anticipatory bail application having been dismissed, it is for the petitioner to

appear before the Investigating Officer or the Crl.M.C.No. 3309 of 2008 learned Magistrate and then seek regular bail in the ordinary course. The learned counsel for the petitioner submits that the petitioner is willing to do the same, but he apprehends that his application may not be considered on merits, in accordance with law and expeditiously. Hence it is prayed that appropriate direction may be issued under Section 482 Cr.P.C. to ensure consideration of the application for regular bail on merits, in accordance with law and expeditiously.

3. Sufficient general directions have already been issued by this Court for expeditious consideration of bail application by persons who have surrendered before the court in the decision in *Alice George v. Dy.S.P. of Police* (2003 (1) KLT 339). I am not persuaded to agree that any further or more specific direction deserves to be issued. The petitioner shall be at liberty to make all his submissions before the learned Magistrate when his application for bail comes up for hearing. I need only mention that the bail application must be disposed of expeditiously in the light of the directions issued in *Alice George* (supra).

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4. This Crl.M.C. is dismissed with the above observations.

5. Hand over the order.

(R. BASANT) Judge tm