

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

TUESDAY, THE 24TH DAY OF FEBRUARY 2015/5TH PHALGUNA, 1936

Bail Appl..No. 32 of 2015 ()

**CRIME NO. 748/2014 OF HEMAMBIKA NAGAR POLICE STATION,
PALAKKAD DISTRICT**

PETITIONER/ACCUSED :

**UNNIKRISHNAN, S/O.RAMAN, AGED 38 YEARS,
KOLAKANDAMPOTTA HOUSE, MUTTIKULANGARA,
PALAKKAD TALUK, PALAKKAD DISTRICT.**

**BY ADVS.SRI.P.VIJAYA BHANU (SR.)
SRI.M.REVIKRISHNAN
SRI.V.C.SARATH**

RESPONDENT/COMPLAINANT:

**STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**

BY PUBLIC PROSECUTOR SRI. SREEJITH V.S.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 24-02-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

bp

B.KEMAL PASHA, J.

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B.A. No.32 of 2015

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Dated this the 24th day of February, 2015

ORDER

Petition filed under Section 438 Cr.P.C.

2. Petitioner is the accused in Crime No.748 of 2014 of the Hemambika Nagar Police Station, Palakkad District, registered for the offence punishable under Section 376(2)(n) of the Indian Penal Code.

3. The allegation against the petitioner is that on 17.12.2009 at 2 p.m., while the defacto complainant woman was working as Sweeper at the Guest House of Dhoni Farm, the petitioner, who was the Contractor at Dhoni Farm, forcibly took her to the bed room of the Guest House and raped her without her consent. When she was about to complain, the petitioner promised that he would marry her. It is alleged that there after he took her to various places and subjected her to sexual intercourse on such occasions, and then retracted from his promise.

4. Heard learned Senior Counsel for the petitioner and the learned Public Prosecutor.

5. The learned Senior Counsel for the petitioner has pointed out that as on 17.12.2009, the defacto complainant was not working at the Dhoni Farm. As per the proceedings dated 26.10.2009 of the Kerala Livestock Development Board, Dhoni Farm, it seems that the work of cleaning of office building and premises, toilets etc. was awarded to one Smt.M.Meenakshi for the period from 01.11.2009 to 31.10.2010. It *prima facie* reveal that the genesis of the incident itself is doubtful. Matters being so, I am of the view that this is a fit case wherein anticipatory bail can be granted to the petitioner.

In the result, this bail application is allowed and the investigating officer or such other police officer, who is conducting the arrest of the petitioner, is directed to enlarge the petitioner on bail in the event of his arrest on his executing a bond for Rs.25,000/- (Rupees twenty five thousand only) with two solvent sureties for the like sum each to the satisfaction of the officer conducting arrest, and subject to the following terms and conditions:-

- (i) The petitioner shall report before the

investigating officer in between 09.00 a.m. and 11.00 a.m. on all Tuesdays and Fridays commencing from 03.03.2015 for a period of three months or till the filing of the final report in this case, whichever is earlier.

(ii) The investigating officer can send the petitioner for potency test and in such case, the petitioner shall co-operate with the investigation.

(iii) The petitioner shall not tamper with the evidence or influence witnesses.

(iv) The petitioner shall make himself available for interrogation as and when required by the investigating officer.

(v) The petitioner shall not involve in any offence while on bail.

It is made clear that the violation of any of the conditions stipulated above will result in the cancellation of bail.

Sd/-
B.KEMAL PASHA
JUDGE

DSV/24/2/15

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P.A. To Judge