

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

WEDNESDAY, THE 21ST DAY OF JANUARY 2015/1ST MAGHA, 1936

Bail Appl..No. 179 of 2015

CRIME NO. 961/2014 OF CHOTTANIKKARA POLICE STATION , ERNAKULAM DISTRICT

PETITIONER(S) :

**ANIL @ APPU, AGED 22 YEARS,
S/O.SALI, MAHESH BHAVAN, VAZAPPILLY VILLAGE,
KOTTAYAM.**

**BY ADVS.SRI.DINNY THOMAS
SRI.ALBERT V.JOHN
SRI.JAISHANKAR V.NAIR
SMT.ROSHNI MANUEL**

RESPONDENT(S) :

**STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA- 682 031.**

BY PUBLIC PROSECUTOR SMT.LALIZA.T.Y

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 21-01-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Msd.

B. KEMAL PASHA, J.

.....
B.A. No.179 of 2015
.....

Dated this the 21st day of January, 2015

ORDER

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Petition filed under Section 439 Cr.P.C.

2. Petitioner is the 1<sup>st</sup> accused in Crime No.961/2014 of Chottanikkara Police Station registered for the offences punishable under Section 376 IPC and Section 23 of the Juvenile Justice (Care and Protection of Children) Act, 2000.

3. The allegation against the petitioner and the other accused is that one day in March, 2014 at about 7 p.m., the 6<sup>th</sup> accused, who is the mother of the *defacto complainant* woman, administered her Cola in which some noxious substance was mixed, thereby she became unconscious. With the aid of the mother, who is the 6<sup>th</sup> accused, the petitioner along with the other accused allegedly committed gang rape on the *defacto complainant*. In the sadistic pleasure, it is alleged that they burned the parts of the body

of the *defacto complainant* with lighted cigarette. When the 6 year old son of the *defacto complainant*, who was present there, obstructed it, he was terribly beaten up. The petitioner has been in custody for the period from 30.10.2014 onwards.

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

5. The contents of the CD *prima facie* reveal that the investigation of this case as against the petitioner is concerned, is practically over. No criminal antecedents have been reported against the petitioner. The continued detention of the petitioner in custody is not required for the continued investigation of this case. Considering the facts and circumstances of this case and having regard to the period undergone by the petitioner in custody and the present stage of investigation, I am satisfied that the petitioner can be enlarged on bail.

6. In the result, this Bail Application is allowed and

the petitioner shall be enlarged on bail on his executing a bond for ₹25,000/- (Rupees twenty five thousand only) with two solvent sureties for the like sum each to the satisfaction of the concerned Judicial First Class Magistrate's Court, and subject to the following terms and conditions:-

*(i) The petitioner shall report before the Investigating Officer in between 9 a.m. and 11 a.m. on all Wednesdays and Saturdays commencing from 28.01.2015 for a period of six months.*

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

*(iii) The petitioner shall make himself available for interrogation as and when required by the Investigating Officer.*

*(iv) 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)**