

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

MONDAY, THE 19TH DAY OF JANUARY 2015/29TH POUSHA, 1936

Bail Appl.No. 228 of 2015

CRIME NO. 2738/2014 OF ANGAMALI POLICE STATION, ERNAKULAM
.....

PETITIONER(S)/1ST ACCUSED:

**MR.SHAJAN N.S., AGED 47 YEARS,
S/O. SEKHARAN, NEDUVELIL HOUSE,
THALAKKOTTUPARAMBU BHAGAM, THURAVOOR, ERNAKULAM.**

BY ADV. SMT.TISSY ROSE K CHERIYAN

RESPONDENT(S)/COMPLAINANT:

**STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682 031,
THROUGH THE SUB INSPECTOR OF POLICE,
ANGAMALY POLICE STATION IN CRIME NO.2738/14
(INVESTIGATION BY DY.S.P. OF POLICE).**

BY ADDL. DGP. SRI.TOM JOSE PADINJAREKARA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
19-01-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

msv/

B.KEMAL PASHA, J.

.....
B.A. No.228 of 2015
.....

Dated this the 19th day of January, 2015

ORDER

Petition filed under Section 439 Cr.P.C.

2. Petitioner is the first accused in Crime No.2738/2014 of the Angamaly Police Station, registered for the offences punishable under Sections 376 and 506(i) read with Section 34 of the Indian Penal Code and Section 3(2) (v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

3. The allegation against the petitioner and the other accused is that with the common intention of committing rape on the defacto complainant woman belonging to schedule caste, on 26.09.2014 at 1 p.m., under the guise of

imparting Ayurvedic treatment to the defacto complainant, she was made to lie on the oil bath table in the treatment room at the house of the petitioner. then the first accused forcefully committed rape on her by removing her clothes and by intimidating her. It is alleged that the second accused has assisted the petitioner in doing the said acts. The petitioner has been in custody for the period from 14.10.2014 onwards.

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

5. Even though the petitioner has been in custody for the period from 14.10.2014 onwards, final report has not been filed in the matter. Matters being so, the petitioner is entitled to compulsive bail under Section 167(2) Cr.P.C.

6. In the result, this Bail Application is allowed and the petitioner shall be enlarged on bail on his executing a bond for ₹1,00,000/- (Rupees one lakh 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 Mondays and Thursdays commencing from 26.01.2015 for a period of six months.

(ii) Except for observing condition No.(i) above, the petitioner shall not enter Ernakulam District for a period of six months from today.

(iii) The petitioner shall neither contact the woman or her family members nor shall make any attempt for the same, either directly or indirectly.

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

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

(vi) 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

ul/-

[True copy]

P.S. to Judge