

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

FRIDAY, THE 30TH DAY OF JANUARY 2015/10TH MAGHA, 1936

Bail Appl..No. 238 of 2015

CRIME NO. 22/2015 OF PAYYANNUR POLICE STATION , KANNUR

PETITIONER(S)/ACCUSED :

**MOHAMMADALI K.P., AGED 36 YEARS,
S/O.ALI, KANAPRAVAN HOUSE, AMBALATHARA,
KOROME VILLAGE, PAYYANNUR, KANNUR DISTRICT.**

**BY ADVS.SRI.M.SASINDRAN
SRI.A.ARUNKUMAR**

RESPONDENT(S)/COMPLAINANT & STATE :

- 1. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM- 682 031.**
- 2. THE STATION HOUSE OFFICER,
(CRIME NO.22/2014 OF PAYYANNUR POLICE STATION),
KANNUR DISTRICT- 670 001.**

BY PUBLIC PROSECUTOR SRI.SREEJITH.V.S

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 30-01-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Msd.

B.KEMAL PASHA, J.

.....
B.A. No.238 OF 2015
.....

Dated this the 30th day of January, 2015

ORDER

Petition filed under Section 439 Cr.P.C.

2. Petitioner is the accused in Crime No.22/2015 of the Payyannur Police Station, Kannur registered for the offence punishable under Section 376 of the Indian Penal Code.

3. The allegation against the petitioner is that he enticed the defacto complainant woman in the year 2012 and by promising to marry her, he committed sexual intercourse on the defacto complainant in a lodge at Mangalore on one day during the month of November, 2014 and also at the rented house of the petitioner during the night of 25.12.2014, and thereafter he retracted from his

promise. The petitioner has been in custody for the period from 05.01.2015 onwards.

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

5. No criminal antecedents have been reported against the petitioner. The contents of the CD reveal that the investigation of this case is practically over. Continued detention of the petitioner in custody is not required for the continued investigation of this case. Having regard to the period undergone by the petitioner in custody, the present stage of investigation and the absence of any criminal antecedents on his part, I am of the view 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 ₹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 Fridays and Tuesdays commencing from 06.02.2015 for a period of six months.

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

(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

ul/-

[True copy]

P.S. to Judge