

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

THURSDAY, THE 5TH DAY OF FEBRUARY 2015/16TH MAGHA, 1936

Bail Appl..No. 348 of 2015 ()

CRIME NO. 1739/2014 OF TIRUR POLICE STATION, MALAPPURAM DISTRICT

PETITIONER/ACCUSED :

**MOHAMMED YAZIR, AGED 28 YEARS
S/O.MOIDEENKUTTY, KAKKIDI HOUSE, PURATHOOR P.O.
KALOOR SANTHI NAGAR, MALAPPURAM DISTRICT.**

**BY ADVS.SRI.K.M.FIROZ
SMT.M.SHAJNA
SRI.S.KANNAN**

RESPONDENTS/COMPLAINANT :

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

**2. SUB INSPECTOR OF POLICE,
TIRUR POLICE STATION - 676 101.**

R1 & R2 BY PUBLIC PROSECUTOR SRI. ABDUL KAREEM

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 05-02-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Mn

B.KEMAL PASHA, J.

.....
B.A. No.348 OF 2015
.....

Dated this the 5th day of February, 2015

ORDER

Petition filed under Section 439 Cr.P.C.

2. Petitioner is the accused in Crime No.1739/2014 of the Tirur Police Station, Malappuram registered for the offences punishable under Sections 366 and 376 of the Indian Penal Code.

3. It is alleged that the petitioner who is a married man having a child, had enticed the defacto complainant woman and by giving the promise of marriage, he took her and subjected her to sexual intercourse on 05.11.2013 at

Kondotty and thereafter again subjected her to sexual intercourse at that place during the month of December, 2013. It is further alleged that on 22.12.2014 he took her to Mysore, where also she was subjected to sexual intercourse. After that he backed out from his promise. The petitioner has been in custody for the period from 29.12.2014 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 Thursdays and Mondays commencing from 12.02.2015 for a period of six months.

(ii) The petitioner shall neither contact the woman 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

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[True copy]

P.S. to Judge