

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

FRIDAY, THE 6TH DAY OF FEBRUARY 2015/17TH MAGHA, 1936

Bail Appl..No. 425 of 2015 ()

CRIME NO. 755/2014 OF ELATHUR POLICE STATION, KOZHIKODE DISTRICT

PETITIONER/2ND ACCUSED :

**ANOOPA, AGED 39,
D/O.KUMARAN, MEENA BHAVAN, MYLAMBADI
KOTTOOLI, KUTHIRAVATTOM (P.O.),
KOZHIKODE DISTRICT.**

**BY ADVS.SRI.R.BINDU (SASTHAMANGALAM)
SRI.PRASANTH M.P**

RESPONDENT/COMPLAINANT :

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

BY PUBLIC PROSECUTOR SMT. LALIZA T.Y.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 06-02-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Mn

B.KEMAL PASHA, J.

B.A.No.425 of 2015 C

Dated this the 6th day of February 2015

ORDER

Petition filed under Section 439 Cr.P.C.

2. Petitioner is the second accused in Crime No.755/2014 of Elathur Police Station, Kozhikode district registered for the offences punishable under Sections 511 of 376, 109, 323, 324, 342 and 506 read with Section 34 of the I.P. C.

3. The allegation against the petitioner is that she was a concubine of the first accused and they had frequent illicit sexual relationship. It is further alleged that first accused is a drug addict, who used to supply drugs to the petitioner also. Under the influence of such drugs, the petitioner was hand in gloves with the first accused for his attempting to commit rape on the daughter of

the petitioner, who is the de-facto complainant herein. It is alleged that the de-facto complainant was tortured, harassed and pestered to the maximum for making her willing to have sex with the first accused. It is further alleged that hot water was poured on her, and she was burned with hot iron box for making her to have sex with the first accused. The petitioner has been in custody for the period from 16.1.2015 onwards.

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

5. The contents of the C.D. *Prima facie* reveal the complicity of the petitioner. At the same time, it is a fact that the petitioner is a woman, who is none other than the mother of the de-facto complainant. The learned counsel for the petitioner has pointed out that the petitioner has to pursue the cases filed by her against her husband, who is the father of the de-facto complainant. Even though the petitioner has got a case that her husband is

instrumental in making her daughter hostile towards her, it can be only be taken with a pinch of salt. The learned Public Prosecutor has pointed out that the first accused is at large even now. Having regard to the period undergone by the petitioner in custody and the present stage of investigation, I am of the view that she can be enlarged on bail on stringent conditions.

6. In the result, this Bail Application is allowed and the petitioner shall be enlarged on bail on her executing a bond for Rs.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 am and 11 am on all Fridays and Tuesdays, commencing from 13.2.2015 for a period of six months.

(ii) The petitioner shall neither contact the de-facto complainant girl 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 herself 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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PA to Judge