

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

WEDNESDAY, THE 27TH DAY OF MAY 2015/6TH JYAISHTA, 1937

Bail Appl..No. 458 of 2015

CRIME NO. 1907/2014 OF KOTTAYAM WEST POLICE STATION , KOTTAYAM

PETITIONER(S)/ACCUSED :

**K.K.GEORGE, AGED 64 YEARS,
S/O. KURUVILLA, KURIKKASSERIL HOUSE, VELOOR P.O.
KOTTAYAM DISTRICT.**

**BY ADVS.SRI.S.RAJEEV
SRI.K.K.DHEERENDRAKRISHNAN
SRI.V.VINAY**

RESPONDENT(S)/STATE :

- 1. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,
ERNAKULAM-682 031.
(CRIME NO.1907/2014 OF KOTTAYAM WEST POLICE STATION,
KOTTAYAM DISTRICT).**
- 2. STATION HOUSE OFFICER,
KOTTAYAM WEST POLICE STATION,
KOTTAYAM DISTRICT-686 003. (CRIME NO.1907/2014 OF
KOTTAYAM WEST POLICE STATION,
KOTTAYAM DISTRICT).**

BY PUBLIC PROSECUTOR SRI.SHIBU JOSEPH

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 27-05-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

PJ

K. ABRAHAM MATHEW, J.

B.A. No.458 of 2015

Dated this the 27th day of May, 2015

ORDER

Petition filed under Section 438 Cr.P.C.

2. Petitioner apprehends that he will be arrested by the police on the allegations that he committed rape on the first informant.

3. According to the prosecution the petitioner had acquaintance with the first informant through one Alice. On 04.09.2013 the petitioner raped on her and on subsequent occasions also he committed the very same offence.

4. Heard.

5. The learned counsel for the petitioner submits that prima facie the case is false. His first argument is that though the incident allegedly happened on 04.09.2013 the first information was given only on 20.11.2014. His second argument is that during this period the petitioner had lodged a complaint with the police stating that the first informant had committed the offences under Sections 381 and 461 of the Indian Penal Code. He has produced a copy of the refer report filed in that case. This document shows

that the petitioner had alleged that the first informant committed theft of his properties and the investigation was going on during the relevant period. It appears that all is not well with the prosecution case. So I am inclined to grant the prayer of the petitioner, who is aged 64 years.

In the result, this application is allowed.

1) The petitioner shall be released on bail after interrogation on his executing a bond for Rs.Tenty five thousand only with two solvent sureties each for the like sum if he is arrested by the Police in connection with this case.

2) He shall appear before the Investigating Officer for interrogation if he is so required by him in writing.

3) He shall not destroy or tamper with evidence.

In case of violation of any of the above conditions, the learned Magistrate is empowered to cancel the bail in accordance with the law.

R.AV

sd/-
K. ABRAHAM MATHEW
JUDGE

//True Copy//

PA to Judge

