

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

THURSDAY, THE 29TH DAY OF JANUARY 2015/9TH MAGHA, 1936

Bail Appl.No. 466 of 2015

CRIME NO. 1851/2014 OF ATTINGAL POLICE STATION, THIRUVANANDAPURAM
.....

PETITIONER(S)/ACCUSED:

**HANEEF, AGED 30 YEARS,
S/O.KAMALUDEEN, CHIRAKKARA VEEDU, PAKISTHAN MUKKU,
VAKKAM VILLAGE, VAKKAM, THIRUVANANTHAPURAM DISTRICT**

BY ADV. SRI.P.V.DILEEP

RESPONDENT(S)/COMPLAINANT:

**STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**

BY PUBLIC PROSECUTOR SRI.SREEJITH V.S.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
29-01-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

msv/

B.KEMAL PASHA, J.

.....
B.A. No.466 OF 2015
.....

Dated this the 29th day of January, 2015

ORDER

Petition filed under Section 439 Cr.P.C.

2. Petitioner is the seventh accused in Crime No.1851/2014 of the Attingal Police Station, Thiruvananthapuram, registered for the offences punishable under Sections 143, 147, 148, 149, 452, 323, 324, 363 and 120(b) of the Indian Penal Code.

3. The daughter of the defacto complainant was subjected to rape repeatedly by A1 under the pretext that he had married her. With the aid of some of the associates of the first accused, they made it to appear that a form of marriage was gone through at the house of the victim. The victim was never willing to be the wife of A1, who was very old. Thereafter, she was forcibly taken away and rape was committed on her. She was kept in confinement.

Subsequently, she escaped from the clutches of the first accused and took shelter at her house along with the defacto complainant. It is alleged that on 08.12.2014, the first accused along with the other accused, who were hired by him, had trespassed into the house of the defacto complainant and forcibly abducted her, after attempting to commit the murder of the defacto complainant. The defacto complainant was severely attacked and serious injuries were inflicted on her. The allegations against the petitioner is that he had arranged the hired vehicle and he was also instrumental in taking away the victim to a place called Elappara. The petitioner has been in custody for the period from 21.12.2014 onwards.

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

5. It is the specific case of the investigating officer that it is the present petitioner who has aided A1 and the other accused, and has been giving timely information

regarding the progress of the investigation to the other accused. At the same time, no criminal antecedents have been reported against the petitioner. The contents of the CD reveal that the investigation of this case, as far as the present petitioner is concerned, is practically over. Having regard to the period undergone by the petitioner in custody and the absence of any criminal antecedents on his part, I am of the view that the petitioner can be enlarged on bail on strict conditions.

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 05.02.2015 for a period of six

months.

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

(iii) The petitioner shall neither contact the victim or her family members or any of the other accused, 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