

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

THURSDAY, THE 12TH DAY OF FEBRUARY 2015/23RD MAGHA, 1936

Bail Appl..No. 616 of 2015 ()

CRIME NO. 492/2014 OF VELLARIKUNDU POLICE STATION , KASARGOD DISTRICT

PETITIONER/ACCUSED:

**K.NAVAS, AGED 25 YEARS,S/O.ABDULLA,
CHEERANTAKATH HOUSE, VELLIKEEL,
TALIPARAMBA, KANNUR.**

**BY ADVS.SRI.C.K.SREEJITH
SRI.MURUGAN P.V.**

RESPONDENT(S)/COMPLAINANT, STATE & DE-FACTO COMPLAINANT:

- 1. THE STATION HOUSE OFFICER,
VELLARIKUNDU POLICE STATION, KASARAGOD,
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM-682 031.**
- 2. STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682 031.**
- 3. RADHIKA, AGED 24 YEARS,D/O.JANAKI,
RESIDING AT KILIMANOOR HOUSE, BIRIKULAM,
PARAPPA VILLAGE, HOSDURG TALUK,
KASARAGOD DISTRICT. PIN-671 533.**

R1 & R2 BY PUBLIC PROSECUTOR SRI.V.S.SREEJITH

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 12-02-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

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B. KEMAL PASHA, J.

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B.A. No.616 2015
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Dated this the 12th day of February, 2015

ORDER

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Petition filed under Section 439 Cr.P.C.

2. Petitioner is the accused in Crime No.492/2014 of Vellarikundu Police Station, Kasaragod district, registered for the offences punishable under Section 376(2)(n) IPC and Sections 3(1)(xii) and 3(2)(v) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

3. The allegation against the petitioner is that on one day, one year back to the date of registration of the crime, he had committed rape on the *defacto complainant* woman belongs to a Scheduled Tribe. The petitioner is not a member of any Scheduled Caste or Scheduled Tribe. It was on a promise of marriage, he silenced the victim. It is alleged that by assuring that he would marry her, he repeatedly subjected the victim to sexual intercourse on

several occasions and thereafter, he has retracted from his promise. The petitioner has been in custody for the period from 14.01.2015 onwards.

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

5. It seems that the investigation of this case is over and the final report has been filed in the matter. The continued detention of the petitioner in custody is not required for any purpose at all. No criminal antecedents have been reported against the petitioner. Considering all the above, I am satisfied 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 19.02.2015 for a period of six months.

(ii) The petitioner shall not tamper with the evidence or influence witnesses.

(iii) The petitioner shall make himself available for interrogation as and when required by the Investigating Officer.

(iv) 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)

aks/12/02

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PA to Judge