

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. 637 of 2015

CRIME NO. 2121/2014 OF PATHANAMTHITTA POLICE STATION , PATHANAMTITTA

PETITIONER(S)/ACCUSED NO.1:

**KARUPPU SWAMY, AGED 35 YEARS
S/O. PERUMAL, AANAKKARA MURI, IMS COLONY
IDUKKI DISTRICT.**

**BY ADVS.SRI.M.MANOJ KUMAR
SMT.L.SMITHARAJ**

RESPONDENT(S)/COMPLAINANT:

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

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:**

PJ

B.KEMAL PASHA, J.

.....
B.A. No.637 OF 2015
.....

Dated this the 6th day of February, 2015

ORDER

Petition filed under Section 439 Cr.P.C.

2. Petitioner is the accused in Crime No.2121/2014 of the Pathanamthitta Police Station, pending investigation for the offence punishable under Section 376 of the Indian Penal Code.

3. The allegation against the petitioner is that he had enticed the defacto complainant, a girl aged 18, and took her to a lodge at Kampam in Tamil Nadu District and subjected her to sexual intercourse, on a promise of

marriage, on 02.12.2014 and 03.12.2014, and thereafter he sent her back. The petitioner has been in custody for the period from 10.12.2014 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) Both the sureties shall be from the State of Kerala and they shall produce their title deeds in respect of the property before the court below, for verification.

(ii) The petitioner shall report before the Investigating Officer in between 9 a.m. and 11 a.m. on all Fridays and Tuesdays commencing from 13.02.2015 for a period of six months.

(iii) The petitioner shall neither contact the girl or her family members 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