

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

FRIDAY, THE 13TH DAY OF FEBRUARY 2015/24TH MAGHA, 1936

Bail Appl..No. 704 of 2015

CRIME NO. 360/2014 OF KALIKAVU POLICE STATION , MALAPPURAM DISTRICT

PETITIONER(S) :

**ABDURAHIMAN, AGED 38 YEARS,
S/O.HUSSAIN, ALIPARAMBAN HOUSE, UTHIRAMPOYIL P.O,
NILAMBUR TALUK, MALAPPURAM DISTRICT.**

**BY ADVS.SRI.HUSSAIN KOYA VALIYAVEEDAKATH
SRI.K.ANAND
SRI.K.V.RAJENDRAN (WANDOOD)**

RESPONDENT(S) :

- 1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM- 682 031.**
- 2. THE SUB INSPECTOR OF POLICE,
KALIKAVU POLICE STATION, MALAPPURAM-676 525.**

BY PUBLIC PROSECUTOR SRI.SREEJITH.V.S

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 13-02-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Msd.

B. KEMAL PASHA, J.

.....
B.A. No.704 2015
.....

Dated this the 13th day of February, 2015

ORDER

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Petition filed under Section 439 Cr.P.C.

2. Petitioner is the 1st accused in Crime No.360/2014 of Kalikavu Police Station registered for the offences punishable under Sections 376 and 506(ii) read with Section 34 IPC.

3. The allegation against the petitioner is that he committed rape on the *defacto complainant* woman at 10 a.m. on 10.09.2014 by trespassing into her house. It is further alleged that as the petitioner had passed an

information to the 2nd accused that the *defacto complainant* would be available for him, on 15.09.2014 at 4 p.m., the 2nd accused also committed trespass into the house of the *defacto complainant* and committed rape on her. The petitioner has been in custody for the period from 23.12.2014 onwards.

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

5. The contents of the CD reveal that that the investigation of this case is practically over. No criminal antecedents have been reported against the petitioner. It is true that the allegations against the petitioner are very grave and serious. The petitioner is the mother's elder sister's son of the *defacto complainant*. Of course, it makes the situation more worse. Even then, having regard to the period undergone by the petitioner in custody and the fact that no criminal antecedents have been reported against the petitioner, 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 Fridays and Tuesdays commencing from 20.02.2015 for a period of six months.

(ii) Except for observing condition No.(i) above, the petitioner shall not enter the local limits of Kalikavu Police Station for a period of six months from today.

(iii) The petitioner shall neither contact the defacto complainant woman or her family members nor 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)

aks/13/02

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PA to Judge