

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. 749 of 2015

CRIME NO. 1434/2014 OF ALAPPUZHA SOUTH POLICE STATION , ALAPPUZHA

PETITIONER(S)/1ST ACCUSED:

**RIYAS, AGED 35 YEARS,
S/O.RAJA, KOYAPARAMBU, SAREENA MANZIL
MULLATHU WARD, ALAPPUZHA-688 001.**

BY ADV. SRI.P.PRAMEL

RESPONDENT(S)/COMPLAINANT AND STATE:

**1. STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM, PIN-682 031.**

**2. STATION HOUSE OFFICER
ALAPPUZHA SOUTH POLICE STATION,
ALAPPUZHA, PIN-688 001.**

BY PUBLIC PROSECUTOR SMT.LALIZA T.Y.

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

PJ

B.KEMAL PASHA, J.

.....
B.A. No.749 OF 2015

.....
Dated this the 13th day of February, 2015

ORDER

Petition filed under Section 439 Cr.P.C.

2. Petitioner is the first accused in Crime No.1434/2014 of the South Police Station, Alappuzha registered for the offences punishable under Sections 376, 420, 468, 471 and 506(ii) read with Section 34 of the Indian Penal Code.

3. The allegation against the petitioner is that while he was employed as a driver at the house of the defacto complainant woman, he cooked up and forged a false marriage certificate in order to make it appear that the defacto complainant is the legally wedded wife of the petitioner and by making use of the same as genuine, he intimidated the defacto complainant and had sexual intercourse with her. It is alleged that for a pretty long

period he could subject the defacto complainant woman to sexual intercourse. The petitioner was arrested in another crime and while undergoing detention in that case, his arrest was recorded in this case on 25.11.2014.

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

5. 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 and the present stage of investigation, 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) 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) The petitioner shall neither contact the defacto complainant woman or her family members nor shall make any attempt for the same, either directly or indirectly.

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

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

(v) 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