

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

MONDAY, THE 16TH DAY OF FEBRUARY 2015/27TH MAGHA, 1936

Bail Appl.No. 785 of 2015

CRIME NO. 503/2014 OF KUMBLA POLICE STATION, KASARGOD
.....

PETITIONER(S)/ACCUSED:

**RIZWAN RANA, AGED 20 YEARS,
S/O.GULSAR @ LILAKHAN, R/AT H.NO. 303,
AMBEHATARINADAN STREET, AMBEHATARINDAN VILLAGE,
GADIPUKTHA P.O., SHAMILY DISTRICT,
UTTAR PRADESH - 247 773.**

**BY ADVS.SRI.P.V.KUNHIKRISHNAN
SRI.P.V.ANOOP**

RESPONDENT(S)/COMPLAINANT & STATE:

- 1. SUB INSPECTOR OF POLICE,
KUMBLA POLICE STATION, KASARAGOD - 671 321.**
- 2. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, KOCHI - 682 031.**

BY PUBLIC PROSECUTOR SMT.LALIZA T.Y.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
16-02-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

msv/

B.KEMAL PASHA, J.

.....
B.A. No.785 OF 2015

.....
Dated this the 16th day of February, 2015

ORDER

Petition filed under Section 439 Cr.P.C.

2. Petitioner is the accused in Crime No.503/2014 of the Kumbbla Police Station, Kasaragod pending investigation for the offences punishable under Section 376 IPC and Section 5(i) read with Section 6 of the Protection of Children from Sexual Offences Act, 2012.

3. The allegation against the petitioner is that on 02.10.2014 while a 13 year old girl, who is the de facto complainant herein, was alone at her house, the petitioner came over there under the guise of selling textile items and

requested her for a glass of water to drink. When she gave the water, she was caught hold of and was taken inside the house and she was forcibly raped by him. The petitioner has been in custody for the period from 04.10.2014 onwards.

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

5. The allegations against the petitioner, who is hailing from the State of Uttar Pradesh, are very grave and serious. The medical records clearly show evidence of aggravated penetrative sexual assault. The investigation of this case is over and final report has been filed. Availability of the petitioner for trial requires paramount consideration, especially when the petitioner is hailing from the State of Uttar Pradesh. Considering the seriousness of the allegations against the petitioner, I am of the view that the petitioner is not entitled to be enlarged on bail and this petition is only to be dismissed, and I do so.

In the result, this Bail Application stands dismissed.

The court below shall dispose of the matter as expeditiously as possible, by considering the fact that the petitioner happens to be an under trial prisoner.

Sd/- B.KEMAL PASHA, JUDGE

ul/-

[True copy]

P.S. to Judge