

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

WEDNESDAY, THE 25TH DAY OF FEBRUARY 2015/6TH PHALGUNA, 1936

BAIL APPL..NO. 976 OF 2015 ()

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CRIME NO. 1573/2014 OF KAZHAKUTTOM POLICE STATION,
THIRUVANANTHAPURAM DISTRICT.**

.....

PETITIONER/ACCUSED:

**LAL, AGED 23 YEARS,
S/O. MOHANAN, MANAKATTUVILAKOM, KARIYIL,
KAZHAKUTTOM, THIRUVANANTHAPURAM.**

BY ADV. SRI.SHAJIN S.HAMEED.

RESPONDENT/STATE:

**STATE OF KERALA, REPRESENTED BY
THE THE DEPUTY SUPERINTENDENT OF POLICE,
ATTINGAL, REPRESENTED THROUGH THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**

BY PUBLIC PROSECUTOR SRI.SHIBU GEORGE.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 25-02-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

rs.

B. KEMAL PASHA, J.

.....
B.A. No.976 2015
.....

Dated this the 25th 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.1573/2014 of Kazhakuttom Police Station registered for the offences punishable under Section 376 IPC and Sections 3(1)(xi) and 3(2)(v) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

3. The allegation against the petitioner is that he had enticed the *defacto complainant* woman, who belongs to a Scheduled Caste, while she was only 16 and he subjected her to sexual intercourse, thereby committing rape by assuring that he would marry her. He continued to make use of the girl for sex till 30.07.2014 and thereafter, he has retracted from his promise. The accused is not a member of any Scheduled Caste or Scheduled Tribe. The

petitioner was arrested on 19.12.2014 and thereafter, he has been in custody.

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

5. No criminal antecedents have been reported against the petitioner. It seems that the investigation of this case is practically over. The continued detention of the petitioner in custody is not required for the continued investigation of this case. Considering the facts and circumstances of this case and having regard to the period undergone by the petitioner in custody and the present stage of investigation, 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 Wednesdays and Saturdays, commencing from 04.03.2015 for a period of six months.

(ii) The petitioner shall neither contact the girl or her family members nor 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)

aks/25/02

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PA to Judge