

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

FRIDAY, THE 27TH DAY OF FEBRUARY 2015/8TH PHALGUNA, 1936

Bail Appl..No. 1042 of 2015

CRIME NO. 20/2015 OF PERINGOME POLICE STATION , KANNUR

PETITIONER(S)/ACCUSED:

**VIJEESH KUMAR.C. AGED 39 YEARS
(WRONGLY SHOWN AS VIJESHKUMAR IN A2 ORDER)
S/O.MOHANAN, CHOORAKKATTU HOUSE, KANDOTH
VELLUR AMSOM, KANNUR DISTRICT.**

BY ADV. SRI.SANTHEEP ANKARATH

RESPONDENT(S)/COMPLAINANT:

**STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM
REPRESENTING SUB INSPECTOR OF POLICE
PERINGOME POLICE STATION, PERINGOME-670307
KANNUR DISTRICT.**

BY PUBLIC PROSECUTOR SRI.V.S.SREEJITH

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 27-02-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

PJ

K. ABRAHAM MATHEW,J.

Bail application No.1042 of 2015

Dated this the 27th day of February, 2015

O R D E R

Petitioner is the sole accused in Crime No.20 of 2015 of Peringome Police Station. It was originally registered for the offence under Section 118(d) of Kerala Police Act. Subsequently Section 376IPC and Sections 66(A) (e) and 67(A) of IT Act also were incorporated. It is alleged that he threatened the victim and committed rape on her and sent her nude photographs through electronic media device to her husband who was working abroad.

2. Learned counsel submits that incorporation of offence under IPC and IT Act was done with malicious intention and since the petitioner has been in custody since 22.01.2015, he may be released on bail.

3. Heard the learned counsel for the petitioner.

4. The fact that when the case was registered only 118(d) of the Kerals Police Act was included in the FIR is a matter to be taken notice of in the nature of the case.

5. Learned Public Prosecutor submits that commission of offence under the IT Act was revealed only later. It can be taken only with a pinch of salt. Petitioner has been in custody since 22.01.2015.

It appears that his further detention is not necessary for the effective investigation.

In the result, this application is allowed.

1. The petitioner shall be released on bail on his executing bond for Rs.50,000/- (Rupees Fifty thousand only) with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate concerned.
2. He shall not intimidate or attempt to influence the witnesses.
3. He shall appear before the investigating officer between 10.30 a.m. and 11.30 a.m. on every first and third Saturdays for four months, or till the final report is filed, whichever is earlier.
4. He shall not enter Kannur District during investigation except for complying with the directions made above.
4. He shall surrender his passport, if any, before the learned Magistrate within 7 days of his release. If he does not have one, he shall file affidavit to that effect within the said period.

5. If the petitioner violates any of the above conditions, the court of enquiry/trial is empowered to cancel the bail in accordance with the law.

Sd/-
K. ABRAHAM MATHEW, JUDGE

//true copy// P.A. To Judge

smv