

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

WEDNESDAY, THE 11TH DAY OF MARCH 2015/20TH PHALGUNA, 1936

Bail Appl..No. 1168 of 2015 ()

**CRIME NO. 373/2013 OF THALAPUZHA POLICE STATION,
MALAPPURAM DISTRICT**

PETITIONER/ACCUSED :

**IMTHYAS MUHAMMED, AGED 35 YEARS,
S/O MUHAMMED KAPOOR HOUSE, MUTHIRAMMANNA
THAZHEKAD WEST, PERINTHALMANNA, MALAPPURAM.**

**BY ADVS.SRI.C.ANILKUMAR (KALLESSERIL)
SRI.C.AJITH KUMAR (KALLESSERIL)**

RESPONDENT/RESPONDENT :

**STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682031.
(CRIME NO.373 OF 2013 OF THALAPUZHA POLICE STATION).**

BY PUBLIC PROSECUTOR SRI. SREEJITH V.S.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 11-03-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

bp

B.KEMAL PASHA, J.

B.A.No.1168 of 2015 A

Dated this the 11th day of March 2015

ORDER

Petition filed under Section 439 Cr.P.C.

2. Petitioner is the accused in Crime No.373/2013 of the Thalapuzha Police Station, Wayanad registered for the offences punishable under Sections 376, 366, 420 and 506(i) of the I.P.C. and Section 67(A) of the Information Technology Act.

3. The allegation against the petitioner is that he had enticed the *defacto complainant* girl, took her to several places and by assuring that he would marry her, subjected her to sexual intercourse. It is also alleged that by making her believe that he would marry her, he obtained her gold ornaments and money, as loan from her. Over and above it, he had recorded all pornographic

scenes during such sexual contacts by making use of his mobile phone and strangely enough, he had propagated the same to all his friends. For no fault of her, he has thereafter retracted from his promise. The petitioner has been in custody for the period from 08.01.2015 onwards.

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

5. No criminal antecedents have been reported against the petitioner. The investigation of this case is practically over. Continued detention of the petitioner in custody is not required for the continued investigation of the case. Having regard to the period undergone by the petitioner in custody, I am of the view that by making a provision for the safety and security of the victim and also by ensuring his availability for the trial of the case, the petitioner can be enlarged on bail on stringent conditions.

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 am and 11 am on all Wednesdays and Saturdays commencing from 18.3.2015 for a period of six months.

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

(iii) The petitioner shall neither contact the girl or her family members nor shall make any attempt for the same, either directly or indirectly.

(iv) The petitioner shall surrender his passport before the court below.

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

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

(vii) 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

dl

// TRUE COPY //

PA to Judge