

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

MONDAY, THE 9TH DAY OF MARCH 2015/18TH PHALGUNA, 1936

Bail Appl..No. 1221 of 2015

CRIME NO. 145/2015 OF MALAPPURAM POLICE STATION , MALAPPURAM DISTRICT

PETITIONER(S)/ACCUSED :

**HAZIL, AGED 26 YEARS,
S/O.SULAIMAN, MUTHUVATT THAZHATH HOUSE, PALLIPOIL,
CHELANNOOR, BALUSSERY.**

BY ADV. SRI.P.V.KUNHIKRISHNAN

RESPONDENT(S)/COMPLAINANT & STATE :

- 1. SUB INSPECTOR OF POLICE,
MALAPPURAM POLICE STATION, MALAPPURAM- 676 501.**
- 2. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM, KOCHI- 682 031.**

BY PUBLIC PROSECUTOR SMT.LALIZA.T.Y

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 09-03-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Msd.

B.KEMAL PASHA, J.

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B.A.No.1221 of 2015

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Dated this the 9th day of March, 2015

ORDER

Petition filed under Section 439 Cr.P.C.

2. Petitioner is the accused in Crime No.145/2015 of the Malappuram Police Station, registered for the offences punishable under Section 376 of the Indian Penal Code.

3. The allegation against the petitioner is that he had enticed the defacto complainant over the mobile phone and thereafter on a promise of marriage, she was take away on 16.12.2014 and on 19.12.2014 and the petitioner subjected her to sexual intercourse against the order of nature. The allegation

against the petitioner is that on several occasions, he had subjected the defacto complainant for the said purpose on the assurance of marriage. Thereafter, he has back down from his promise. The petitioner has been in custody for the period from 20.1.2015 onwards.

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

5. The contents of the CD reveal that the investigation of this case is practically over. The allegations against the petitioner are very grave and serious. At the same time, it seems that no criminal antecedents have been reported against the petitioner. Having regard to the period undergone by the petitioner in custody, I am of the view that he can be enlarged on bail on strict conditions by taking precaution of the safety and security of the defacto complainant.

In the result, this Bail Application is allowed and the petitioner shall be enlarged on bail on his executing a bond for Rs.50,000/- (Rupees fifty thousand only) with two solvent

sureties for the like sum each to the satisfaction of the court below 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 13.03.2015 for a period of six months.

(ii) Except for observing condition No.(i) above and for appearing before the court, the petitioner shall not enter into the Malappuram District for a period of six months from today.

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

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

(v) The petitioner shall make himself available for interrogation as and when required by the investigating officer.

(vi) 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**

DSV/9/3/15

//True Copy//

P.A. To Judge