

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. 1226 of 2015

CRIME NO.5/2015 OF SPECIAL MOBILE SQUAD POLICE STATION, KASARAGOD.
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PETITIONER(S)/ACCUSED:

**YASHWANTHS, AGED 31 YEARS,
S/O.YOGISH ACHARIYA, MATHRUKRIPA, KUBANOOR,
UPPALA, MANJESHWAR TALUK, KASARAGOD.**

**BY ADVS.SRI.K.PRAVEEN KUMAR
SMT.ANN SUSAN GEORGE**

RESPONDENT(S)/COMPLAINANT/STATE:

- 1. SUB INSPECTOR OF POLICE,
SPECIAL MOBILE SQUAD POLICE STATION,
KASARAGOD, PIN - 671 121.**
- 2. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM, PIN - 682 031.**

BY PUBLIC PROSECUTOR SRI.SREEJITH V.S.

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

msv/

B.KEMAL PASHA, J.

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B.A.No.1226 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.5/2015 of the Mobile Squad Police Station, Kasaragod registered for the offences punishable under Section 376 of the I.P.C., and Sections 3(2)(v), and 3(1)(xii) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and Sections 4 and 6 of Protection of Children from Sexual Offences Act, 2012.

3. The allegation against the petitioner is that the

accused had committed rape on a 14 year old girl belongs to 'nakor' community, which is a scheduled tribe, hailing from poor circumstances, at the portico of SRAUP school, Kubannur. She was given a promise of marriage and further, she was offered food. The petitioner does not belong to any Scheduled Castes/Schedule Tribes. The petitioner has been in custody for the period from 22.1.2015 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. What remains for filing the Final Report is the obtaining of the Caste Certificate of the victim girl. 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 victim.

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 Kasaragod District for a period of six months from today.

(iii) The petitioner shall neither contact the girl 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

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P.A. To Judge