

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE B.KEMAL PASHA

TUESDAY, THE 10TH DAY OF MARCH 2015/19TH PHALGUNA, 1936

Bail Appl..No.1259 of 2015

(CRIME NO.80/2015 OF VITHURA POLICE STATION,THIRUVANANDAPURAM).

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PETITIONER/ACCUSED:

**SUNEER,S/O.SUBAIRKUNJU,AGED 27 YEARS,
THOTTARIKATHU VEEDU,PONGUMOODU,
PULIMOODU,CHITTUVEETTUMURI,THOLICODE VILLAGE,
NEDUMANGAD,THIRUVANANTHAPURAM DISTRICT.**

BY ADV. SRI.LATHEESH SEBASTIAN

RESPONDENTS:

- 1. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,ERNAKULAM-682 031.**
- 2. SUB INSPECTOR OF POLICE,VITHURA POLICE STATION,
THIRUVANANTHAPURAM DISTRICT-695004.**
- 3. CIRCLE INSPECTOR OF POLICE,PALODE POLICE STATION,
THIRUVANANTHAPURAM DISTRICT-695041.**

BY PUBLIC PROSECUTOR SMT.LALIZA T.Y

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 10-03-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

pk

B.KEMAL PASHA, J.

B.A.No.1259 of 2015 B

Dated this the 10th day of March 2015

ORDER

Petition filed under Section 439 Cr.P.C.

2. Petitioner is the accused in Crime No.80/2015 of Vithura Police Station, Thiruvananthapuram registered for the offence punishable under Section 376(1)(2)(n) of the I.P.C.

3. The allegation against the petitioner is that by promising to marry her, the petitioner enticed the *defacto complainant* woman and by falsely representing that he was a bachelor and by giving the said assurance, he had subjected the *defacto complainant* woman to sexual intercourse on several occasions and in the said relationship, she became pregnant. In the 4th month of her pregnancy, the petitioner abandoned her and has

backed out from his promise. The petitioner has been in custody for the period from 4.2.2015 onwards.

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

5. The contents of the CD, reveals that the investigation is practically over. No criminal antecedents have been reported against the petitioner. 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, the present stage of investigation and the absence of criminal antecedents on the part of the petitioner, 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 am and 11 am on all Tuesdays and Fridays, commencing from 17.1.2015 for a period of three months or till the filing of the final report in this case, whichever is earlier.

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

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

(iv) 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

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PA to Judge