

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

TUESDAY, THE 24TH DAY OF MARCH 2015/3RD CHAITHRA, 1937

BAIL APPL..NO. 1362 OF 2015

CRIME NO. 40/2015 OF KUNNICODU POLICE STATION , KOLLAM DISTRICT

PETITIONER(S)/ACCUSED :

**THOMAS, AGED 52 YEARS,
S/O.SAMUEL, ROBI BHAVAN, PANTHAPLAVU MURI,
PATTAZHI VILLAGE, PATHANAPURAM TALUK, KOLLAM DISTRICT.**

BY ADV. SRI.K.V.ANIL KUMAR

RESPONDENT(S)/COMPLAINANT :

**STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM - 682 031.**

BY PUBLIC PROSECUTOR SRI.V.S.SREEJITH

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 24-03-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

Msd.

B.KEMAL PASHA, J.

.....
B.A. No.1362 OF 2015
.....

Dated this the 24th day of March, 2015

ORDER

Petition filed under Section 439 Cr.P.C.

2. Petitioner is the accused in Crime No.40/2015 of the Kunnicothu Police Station, Kollam pending investigation for the offences punishable under Sections 450 and 376(ii) (I) of the Indian Penal Code.

3. The allegation against the petitioner is that one day he trespassed into the house of the defacto complainant woman aged 42, who is a dwarf, and committed rape on her by threatening and intimidating her. Thereafter, he repeatedly committed such acts, whereby the

defacto complainant has become pregnant. The petitioner has been in custody for the period from 28.01.2015 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. Investigation of this case over and final report is filed. Continued detention of the petitioner in custody is not required for any other purpose. Having regard to the period undergone by the petitioner in custody, the present stage of investigation and the absence of any criminal antecedents on his part, I am of the view 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) Except for observing condition No.(ii) below, the petitioner shall not enter the local limits of the Kunnicothu Police Station, Kollam for a period of six months from today.

(ii) The petitioner shall report before the Investigating Officer in between 9 a.m. and 11 a.m. on all Tuesdays and Fridays commencing from 31.03.2015 for a period of six months.

(iii) The petitioner shall neither contact the woman or her family members nor shall 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

ul/-

[True copy]

P.S. to Judge