

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

MONDAY, THE 30TH DAY OF MARCH 2015/9TH CHAITHRA, 1937

Bail Appl..No. 1463 of 2015 ()

CRIME NO. 2085/2014 OF MANNAR POLICE STATION, ALAPPUZHA

PETITIONER/ACCUSED :

**GOPI, AGED 67 YEARS,
S/O.VELAYUDAN, ATTUKADAVIL VEEDU,
CHERUKOLE MURI, CHENNITHALA.**

**BY ADVS.SRI.R.SUNIL KUMAR
SMT.A.SALINI LAL**

RESPONDENTS/COMPLAINANTS :

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

BY PUBLIC PROSECUTOR SMT. LALIZA T.Y.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 30-03-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

bp

B.KEMAL PASHA, J.

B.A.No.1463 of 2015

Dated this the 30th day of March 2015

ORDER

Petition filed under Section 439 Cr.P.C.

2. Petitioner is the accused in Crime No.2085/2014 of Mannar Police Station registered for the offence punishable under Section 376 IPC.

3. The allegation against the petitioner is that on 29.12.2014 at 3.30 p.m., he called a 90 year old woman, who is the mother-in-law of the *de-facto complainant*, into his house and he forcibly committed rape on her. The petitioner has been in custody for the period from 30.12.2014 onwards.

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

5. The contents of the CD, *prima facie*, reveal the complicity of the petitioner. The allegations against the petitioner are very grave and serious. Even though the petitioner has been in custody for the period from 30.12.2014, the investigation of this case is not over and the final report has not been filed. Matters being so, the petitioner is entitled to compulsive bail under Section 167(2) of the Code of Criminal Procedure.

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 Mondays and Thursdays, commencing from 6.4.2015, for a period of six months.

(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**

dl

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P.A. to Judge