

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

FRIDAY, THE 27TH DAY OF MARCH 2015/6TH CHAITHRA, 1937

Bail Appl..No. 1562 of 2015 ()

CRIME NO. 276/2015 OF KURUPPAMPADY POLICE STATION, ERNAKULAM DISTRICT.

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PETITIONER/ACCUSED:

RIJO. S.R., AGED 22 YEARS,
SARPPAKAVUNKAL HOUSE, RAYAMANGALAM KARA,
RAYAMANGALAM VILLAGE, KUNNATHUNADU TALUK.

BY ADVS.SRI.S.RENJITH,
SRI.K.R.PRATHISH.

RESPONDENT/COMPLAINANT:

1. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

* ADDL. R2 IMPEADED

2. ASWINI, AGED 19, D/O.ASOKAN,
PULIKAROTTUMALY HOUSE,
RAYAMANGALAM KARA, RAYAMANGALAM VILLAGE.

* ADDL. R2 IS IMPEADED AS PER ORDER DATED 27/03/2015
IN CRL.MA. NO.2814/2015.

R1 BY PUBLIC PROSECUTOR SRI.V.S. SREEJITH.
ADDL. R2 BY ADV. SRI.S.DILEEP (KALLAR).

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 27-03-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

rs.

K. ABRAHAM MATHEW, J.

B.A. No.1562 of 2015

Dated this the 27th day of March, 2015

O R D E R

Petition filed under Section 438 Cr.P.C.

Petitioner is the sole accused in crime No.276/2015 of Kuruppampady Police Station, which was registered for the offences under Sections 376 & 417 IPC.

2. The allegation is that about four years ago he committed rape on the victim who is now his wife.

3. The learned counsel submits that the allegation is false, which is clear from the fact that three years after the alleged incident their marriage was solemnized.

4. Heard the learned counsel for the petitioner and the victim.

5. There is no dispute that marriage between the petitioner and the victim was solemnized in November 2014 at temple at Chottanikkara. The alleged incident happened in October 2011. The allegation is that the petitioner had sexual intercourse with the victim when she was only 16 years. But the court cannot ignore the fact about three years after the incident she became his wife. This is a fit

case to invoke the jurisdiction of this Court under Section 438 Cr.P.C. So I am inclined to grant the prayer for anticipatory bail.

In the result, this application is allowed.

- 1) The petitioner shall be released on bail after interrogation on his executing a bond for Rs.25,000/- (Rupees twenty five thousand only) with two solvent sureties each for the like sum if he is arrested by the police in connection with this case.
- 2) He shall co-operate with the investigation.
- 3) He shall subject himself to the tests which he may be required during the investigation.

This order is not applicable if the petitioner chooses to surrender before the Magistrate concerned and in such case the learned Magistrate may take appropriate action in accordance with the law.

shg/

Sd/-
K. ABRAHAM MATHEW
JUDGE
//True copy//
P.A. TO JUDGE