

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

FRIDAY, THE 5TH DAY OF JUNE 2015/15TH JYAISHTA, 1937

Bail Appl..No. 1751 of 2015 ()

**CRIME NO. 149/2015 OF POOKOTTUMPADAM POLICE STATION,
MALAPPURAM DISTRICT**

PETITIONER/1ST ACCUSED :

**KUNNUMMAL MOHAMMED RIYAS, AGED 34 YEARS
S/O.ABDU, P.O. CHETTIPPADAM, POOKOTTUMPADAM
MALAPPURAM DISTRICT.**

**BY ADVS.SRI.P.SAMSUDIN
SRI.JITHIN LUKOSE**

RESPONDENT/COMPLAINANT :

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

BY PUBLIC PROSECUTOR SMT. R. REMA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 05-06-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Mn

K. ABRAHAM MATHEW, J.

B.A. No.1751 of 2015

Dated this the 5th day of June, 2015

O R D E R

Petition filed under Section 438 Cr.P.C

2. Petitioner is alleged to have committed rape on his wife subjected to her cruelty and misappropriated her properties. The case has been registered for the offences under Sections 376 (2) (f), 406 and 498A of Indian Penal Code.

3. Heard.

4. Admittedly the petitioner is the husband of the victim. Section 375 excludes sexual intercourse between husband and wife from the definition of rape. Unfortunately Section 376(2) (f) also finds a place in the First Information Report. Having regard to the fact that this is a family dispute and the prosecution has no case that the victim sustained any serious injuries, So I am inclined to grant him 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 for the like sum each if he is arrested by the police in connection with this case.

2. He shall appear before the investigating officer if he is so required by him in writing.
4. He shall not get himself involved in any other criminal case while he is on bail.
5. He shall not intimidate or attempt to influence the witnesses.
6. He shall not destroy or tamper with evidence.
7. He shall not harass the defacto complainant or her relatives.

In case of violation of any of the above conditions, the learned Magistrate is empowered to cancel the bail in accordance with law.

sd/-

**K. ABRAHAM MATHEW
JUDGE**

R.AV

//True Copy//

PA to Judge