

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

THURSDAY, THE 9TH DAY OF APRIL 2015/19TH CHAITHRA, 1937

Bail Appl..No. 1795 of 2015 ()

CRIME NO. 422/2015 OF PALLURUTHY POLICE STATION, ERNAKULAM

PETITIONER/ACCUSED :

**PONNAN P.V., AGED 59 YEARS,
S/O. VELAYUDHAN, MOOKKUM MURY PARAMBU HOUSE,
H.NO.20/1628, KOLLASSERY ROAD, KONAM,
PALLURUTHY, KOCHI-682 006.**

BY ADV. SRI.M.H.HANIS

RESPONDENT/COMPLAINANT :

**STATE OF KERALA
REPRESENTED BY THE S.I. OF PALLURUTHY POLICE STATION,
REPRESENTED BY ITS 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 09-04-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

bp

B.KEMAL PASHA, J.

.....
B.A. No.1795 OF 2015
.....

Dated this the 9th day of April, 2015

ORDER

Petition filed under Section 439 Cr.P.C.

2. Petitioner is the accused in Crime No.422/2015 of the Palluruthy Police Station, Ernakulam registered for the offence punishable under Section 376 of the Indian Penal Code.

3. The allegation against the petitioner is that on 02.03.2015 at 1.45 p.m. he offered a lift to the defacto complainant woman in his autorickshaw bearing Reg.No.KL-43G-2905 and thereafter, he took the woman to his house, and by overlooking her objections, committed rape on her.

The petitioner has been in custody for the period from 09.03.2015 onwards.

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

5. The contents of the CD, *prima facie*, reveal the complicity of the petitioner. No criminal antecedents have been reported against the petitioner. Investigation of this case is practically over. 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 court below, and subject to the following terms and conditions:-

(i) The petitioner shall report before the Investigating Officer in between 9 a.m. and 11 a.m. on all Thursdays and Mondays commencing from 16.04.2015 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

ul/-

[True copy]

P.S. to Judge