

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

WEDNESDAY, THE 8TH DAY OF APRIL 2015/18TH CHAITHRA, 1937

Bail Appl..No. 1923 of 2015 ()

CRIME NO. 114/2015 OF RAJAPURAM POLICE STATION , KASARGOD DISTRICT

PETITIONER/ACCUSED:

**BABURAJ. R. @ BABU, S/O.RAMACHANDRAN,
AGED 25 YEARS, MOTTAYAMKOCHI, PANATHADI VILLAGE,
KOLICHAL.P.O., KASARAGOD DISTRICT.**

**BY ADVS.SRI.C.K.SREEJITH
SMT.MARY RANZOM LOUIZ**

RESPONDENT/COMPLAINANT:

**STATE OF KERALA THROUGH STATION HOUSE OFFICER,
RAJAPURAM POLICE STATION, KASARAGOD DISTRICT, REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM - 682031.**

R BY PUBLIC PROSECUTOR SMT.LALIZA.T.Y.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 08-04-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

vmr

B. KEMAL PASHA, J.

.....
B.A. No.1923 of 2015
.....

Dated this the 8th day of April, 2015

ORDER

~ ~ ~ ~ ~

Petition filed under Section 439 Cr.P.C.

2. Petitioner is the accused in Crime No.114/2015 of Rajapuram Police Station registered for the offences punishable under Sections 376 and 417 IPC.

3. The allegation against the petitioner is that he had enticed the de facto complainant woman and promised to marry her. On repeated assurance of marriage, he had subjected the de facto complainant to sexual intercourse for the period in between August 2012 and November 2014 on several occasions at her house. She has become pregnant and presently, she has delivered a child. It is alleged that he has backed out from his promise. The petitioner has been in custody for the period from 12.03.2015 onwards.

4. Heard learned counsel for the petitioner and the

learned Public Prosecutor.

5. It seems that the matter has been amicably settled between the parties and the petitioner has agreed to marry the de facto complainant. The petitioner has procured Annexure-A3 affidavit from the de facto complainant in which she has affirmed that the petitioner has agreed to marry her.

6. When the petitioner has expressed his willingness to marry the de facto complainant woman and the parties have settled the matter amicably, I am of the view that the petitioner can be enlarged on bail on conditions.

7. In the result, this Bail Application is allowed and the petitioner shall be enlarged on bail on his executing a bond for ₹25,000/- (Rupees twenty five thousand 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 a.m. and 11 a.m. on all Wednesdays and Saturdays commencing from 15.04.2015 for a period of three 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)

aks/08/04

// True Copy //

PA to Judge