

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

FRIDAY, THE 10TH DAY OF APRIL 2015/20TH CHAITHRA, 1937

Bail Appl..No. 2013 of 2015

CRIME NO. 177/2015 OF NADAKKAVU POLICE STATION , KOZHIKODE

PETITIONER(S)/ACCUSED:

**SHAHEEN.N.P., AGED 26 YEARS,
S/O.HYDERALI N.P., NURUKKUPARAMBIL,
POOKKARATHARA, EDAPPAL, MALAPPURAM.**

**BY ADVS.SRI.K.M.FIROZ
SMT.M.SHAJNA
SRI.S.KANNAN**

RESPONDENT(S)/STATE:

**THE STATE OF KERALA,
REPRESENTED BY THE SUB INSPECTOR OF POLICE,
NADAKKAVU POLICE STATION, KOZHIKODE CITY,
KOZHIKODE-673011, REPRESENTED BY
THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM-682031.**

BY PUBLIC PROSECUTOR SRI.TOM JOSE

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 10-04-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

PJ

B. KEMAL PASHA, J.

.....
B.A. No.2013 of 2015
.....

Dated this the 10th day of April, 2015

ORDER

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Petition filed under Section 439 Cr.P.C.

2. Petitioner is the accused in Crime No.177/2015 of Nadakkavu Police Station, Kozhikode district, registered for the offences punishable under Section 376 IPC and Section 3(1)(xii) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

3. The allegation against the petitioner is that on a promise of marriage, he enticed the de facto complainant woman belongs to a Scheduled Caste and by assuring that he would marry her, he subjected her to sexual intercourse during the night of 11.08.2012 and on many other dates and thereafter, he has retracted from his promise. The petitioner has been in custody for the period from 20.03.2015 onwards.

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

5. No criminal antecedents have been reported against the petitioner. The learned counsel for the petitioner has pointed out that the petitioner is a cancer patient and he has been undergoing treatment at the Christian Medical College Hospital, Velloor and copies of the medical records have also been produced. On medical grounds and having regard to the period undergone by the petitioner in custody and also the present stage of investigation, I am satisfied 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 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 Fridays and Tuesdays, commencing from 17.04.2015 for a period of three months or till the filing of the final report in this case, whichever is earlier.

(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/10/04

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PA to Judge