

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

FRIDAY, THE 8TH DAY OF MAY 2015/18TH VAISAKHA, 1937

Bail Appl..No. 2382 of 2015

CRIME NO. 2421/2014 OF THIRUVALLA POLICE STATION , PATHANAMTITTA

PETITIONER(S)/ACCUSED:

**SHARATH, AGED 23 YEARS,
S/O. SYAM, POTTUKULATHIL HOUSE, MUTHOOR P.O.
THIRUVALLA, PATHANAMTHITTA DISTRICT.**

**BY ADVS.SRI.N.P.PRAJEESH
SRI.BIJO THOMAS GEORGE**

RESPONDENT(S)/COMPLAINANT:

**STATE OF KERALA,
REPRESENTED BY THE SUB INSPECTOR OF POLICE,
THIRUVALLA POLICE STATION, PATHANAMTHITTA DISTRICT,
BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM-31.**

BY SENIOR PUBLIC PROSECUTOR SMT.SAREENA GEORGE

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 08-05-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

PJ

P.UBAID, J

Bail Appln.No.2382 of 2015

Dated this the 8th day of May, 2015

ORDER

The petitioner herein is the accused in Crime No.2421/2014 of Thiruvalla Police Station, registered under Sections 376 and 418 of IPC. He seeks regular bail under Section 439 of the Code of Criminal Procedure. The application filed by him for regular bail was dismissed by the learned Sessions Judge, Pathanamthitta on 09.04.2015. The petitioner has been in judicial custody since 03.03.2015.

2. Prosecution case is that the accused promised to marry the de-facto complainant and forced her for intercourse, and thereby committed rape.

3. This application for regular bail is opposed by the learned Public Prosecutor on the ground that investigation is still in progress, and that if the accused is now released, it will definitely obstruct the investigation.

4. On hearing both sides, and on a perusal of the materials including the case diary I find that investigation in this case is practically over, and that the petitioner can be now released on appropriate conditions. On a perusal of the

case diary, I find that the investigating officer has already questioned the material witnesses. However, the petitioner will have to be directed to report before the investigating officer till investigation is over, to ensure that the remaining part of investigation is not in any manner obstructed. I find that the police has already collected the necessary materials as part of investigation, and I do not find the necessity of continued detention of the petitioner in custody.

5. In the result, this application for bail is allowed. The petitioner will be released on bail on his/their executing bond with two solvent sureties for ₹25,000/-(Rupees Twenty Five Thousand only) to the satisfaction of the learned Judicial First Class Magistrate concerned. Bail is granted on condition that

a) The petitioner shall report before the investigating officer between 10 am. and 11 am. on all Thursdays for a period of two months.

b) The petitioner shall not leave the jurisdictional limits of Thiruvalla Police Station for two months.

c) The petitioner shall not in any manner influence or intimidate the material

witnesses, and he shall not have any contact with the material witnesses directly or over telephone or otherwise.

d) The petitioner will make a security deposit of ₹10,000/- in the court below as a further condition for bail. The amount of security deposit will be released on conclusion of trial. It will be subject to forfeiture in case of absence during trial without sufficient reason.

Sd/-
P.UBAID
JUDGE

rkj

//TRUE COPY//

P.A. TO JUDGE