

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. 2468 of 2015 ()

**-----
CRIME NO. 357/2015 OF KOLLENGOD POLICE STATION, PALAKKAD DISTRICT.**

.....

PETITIONER/ACCUSED:

**KANDAMUTHAN, S/O. CHATHAN,
AGED 41 YEARS, KARIPPALCHALLA HOUSE,
GOVINDAPURAM, MUTHALAMADA,
CHITTUR TALUK, PALAKKAD DISTRICT.**

**BY ADVS.SRI.U.K.DEVIDAS,
SRI.PRINSUN PHILIP.**

RESPONDENT/COMPLAINANT:

**STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM,
(CR. NO.357 OF 2015 OF KOLLENGOD POLICE STATION).**

BY SR. 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:**

rs.

P.UBAID, J

Bail Appln.No.2468 of 2015

Dated this the 8th day of May, 2015

ORDER

The petitioner herein is the sole accused in Crime No.357/2015 of Kollengode Police Station, registered under Sections 376, 506(ii) and 452 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 Additional Sessions Judge, Palakkad on 09.04.2015. The petitioner has been in judicial custody since 06.03.2015.

2. Prosecution case is that, on 03.03.2015 the accused trespassed into the house of the defacto complainant with the intention to commit rape, threatened her showing a chopper, and thus he committed rape on her against her will.

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 executing bond with two solvent sureties for ₹50,000/- (Rupees Fifty Thousand only) to the satisfaction of the learned 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 three months.

b) The petitioner shall not leave the jurisdictional limits of learned Magistrate, and the petitioner shall not enter the Revenue Village where the house of victim is situated, for a period of three months.

e) The petitioner will make a security deposit of ₹25,000/- 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