

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

WEDNESDAY, THE 24TH DAY OF JUNE 2015/3RD ASHADHA, 1937

Bail Appl..No. 2897 of 2015 ()

CRIME NO. 935/2015 OF KALADY POLICE STATION,ERNAKULAM DISTRICT

PETITIONER/ACCUSED:

**BENNY C.C., AGED 44 YEARS,S/O.CHERIYAN,
CHAKRAMBALLY HOUSE, THATTUPARA,
CHULLI P.O, MANJAPRA, ERNAKULAM.**

BY ADV. SRI.SOJAN MICHEAL

RESPONDENT/COMPLAINANT:

**STATE OF KERALA,
(S.I OF POLICE, KALADY POLICE STATION),
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM, KOCHI -31**

BY PUBLIC PROSECUTOR SRI.C.RASHEED

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 24-06-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

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K. ABRAHAM MATHEW, J.

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B.A.No. 2897 of 2015

Dated this the 24th day of June, 2015

O R D E R

Petition filed under Section 438 Cr.P.C.

2. Petitioner is alleged to have committed the offence under Section 376 of Indian Penal Code. The prosecution case is that he committed rape on the victim about two years ago.

3. Heard.

4. It is seen from the case diary that the first informant has a case that the petitioner committed rape on her on two occasions. The interval between the two occasions is more than one month. There has been inordinate delay in informing the police. Having regard to these facts, I am inclined to grant the prayer of the petitioner.

In the result, this application is allowed.

1)The petitioner shall be released on bail on his executing a bond for Rs.25,000/- (Rupees twenty five thousand only)with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate concerned.

- 2)The petitioner shall surrender his passport before the lower concerned or if he does not have one, he shall file an affidavit to that effect within five days of his release.
- 3)He shall not leave India without the previous permission of the court of enquiry or trial court as the case may be.
- 4)He shall appear before the Investigating Officer for interrogation if he is so required by him in writing.
- 5)He shall not intimidate or attempt to influence the witnesses.
- 6)He shall not destroy or tamper with evidence.
- 7)He shall not get himself involved in any other criminal case while he is on bail.

In case of violation of any of the above conditions, the learned Magistrate is empowered to cancel the bail in accordance with the law.

Sd/-
K. ABRAHAM MATHEW,
JUDGE

DST

//True copy//

P.A. To Judge