

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

THURSDAY, THE 4TH DAY OF JUNE 2015/14TH JYAISHTA, 1937

Bail Appl..No. 2937 of 2015 ()

CRIME NO. 1446/2015 OF ALUVA EAST POLICE STATION, ERNAKULAM DISTRICT

PETITIONER :

**RAHIM, AGED 39 YEARS
S/O.KUNJUMHAMMED, KACHAMKUZHI HOUSE, EDATHALA
KUNJATTUKARA, GCDA COLONY, ALUVA
ERNAKULAM DISTRICT.**

BY ADV. SRI.M.M.ABDUL RAHIMAN

RESPONDENT :

**STATE OF KERALA
REPRESENTED BY THE CIRCLE INSPECTOR OF POLICE
ALUVA THROUGH THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM.**

BY PUBLIC PROSECUTOR SMT. REMA R.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 04-06-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Mn

K. ABRAHAM MATHEW, J.

B.A. No.2937 of 2015

Dated this the 4th day of June, 2015

ORDER

Petition filed under Section 439(1) Cr.P.C.

2. Petitioner is alleged to have committed the offences under Sections 376, 406 and 420 of Indian Penal Code.

3. The prosecution case is that he made a false promise to the first informant that he would marry her and had sexual intercourse with her. Now he has refused to marry her.

4. Heard.

5. Both the petitioner and the first informant are married. It is quite unbelievable that the first informant who has a husband thought of marrying another man as Muslim law prohibits it. It was impossible for her to marry the petitioner. Having regard to this circumstance I am inclined to grant the prayer of the Petitioner.

In the result, this application is allowed.

1. The petitioner will 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. He shall appear before the investigating officer between 11 a.m and 12 noon on all the 2nd and 4th Tuesdays for three months, or till the final report is filed, whichever is earlier.

3. He shall not threaten or attempt to influence the witnesses, nor shall he while on bail, get himself involved in any criminal case; nor shall he destroy or attempt to destroy the evidence or interfere with the investigation.

If the petitioner violates any of the above conditions, the court of enquiry/trial is empowered to cancel the bail in accordance with the law.

sd/-
K. ABRAHAM MATHEW
JUDGE

R.AV

//True Copy//

PA to Judge