

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

MONDAY, THE 3RD DAY OF AUGUST 2015/12TH SRAVANA, 1937

Bail Appl..No. 3200 of 2015 ()

CRIME NO. 157/2015 OF OTTAPALAM POLICE STATION, PALAKKAD DISTRICT.

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PETITIONER/ACCUSED:

**MAHESH, S/O.KRISHNANKUTTY NAIR,
AGED 27 YEARS, MEENAKSHI NILAYAM,
KADAMBAZHIPURAM POST, PALAKKAD DISTRICT.**

BY ADV. SRI.SANTHEEP ANKARATH.

RESPONDENT/COMPLAINANT:

**STATE OF KERALA,
REPRESENTED BY SUB INSPECTOR OF POLICE,
OTTAPPALAM POLICE STATION, OTTAPPALAM,
PALAKKAD DISTRICT, THROUGH PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM, KOCHI- 31.**

BY PUBLIC PROSECUTOR SRI.V.S. SREEJITH.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 03-08-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

rs.

K. ABRAHAM MATHEW, J.

B.A. No.3200 of 2015

Dated this the 3rd day of August, 2015

ORDER

Petition filed under Section 438 Cr.P.C.

2. Petitioner is the accused in Crime Number 157 of 2015 of Ottappalam police station, Palakkad District. He is said to have committed the offences under Section 376(2) of the Indian Penal Code and Section 5(1) read with Section 6 of the Protection of Children from Sexual Offences Act.

3. The prosecution case is that he committed rape on a 15 year old girl.

4. Heard.

5. The learned counsel submits that the First Information Statement itself shows that he is not the accused but a person by name Sreekanth. It appears that there is a dispute with regard to the identity of the person involved in the commission of the offence. Having regard to this fact I am inclined to grant the prayer of the petitioner for anticipatory bail. But it shall not be a ground

for him to contend latter that the test identification parade vitiated. It is for him to take appropriate steps not to reveal his identity to the victim.

In the result, this application is allowed.

1. The petitioner shall be released on bail after interrogation on his executing a bond for Rs.1,00,000/- (Rupees One lakh only) with two solvent sureties each for the like sum if he is arrested by the police in connection with this case.

2. He shall appear before the investigating officer for test identification parade if he is so required by the latter and he shall not be heard to say that the test identification test is vitiated because of his release on bail.

3. He shall cooperate with the investigation and shall appear before the investigating officer if he is so required by the latter in writing.

4. He shall not get himself involved in any other criminal case while he is on bail.

5. He shall not intimidate or attempt to influence the witnesses.

6. He shall not destroy or tamper with the

evidence.

7. He shall not contact or communicate with the victim.

8. He shall surrender his passport before the lower court concerned of if he does not have one, he shall file an affidavit to that effect within five days of his release.

9. He shall not leave India without the previous permission of the court of enquiry or trial court as the case may be.

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

If the petitioner surrenders before the Magistrate this order is not applicable and the learned Magistrate may pass appropriate orders.

sd/-
K. ABRAHAM MATHEW
JUDGE

R.AV

//True Copy//

PA to Judge