

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

THURSDAY, THE 25TH DAY OF JUNE 2015/4TH ASHADHA, 1937

Bail Appl..No. 3442 of 2015

CRIME NO. 434/2015 OF KOYILANDY POLICE STATION , KOZHIKODE DISTRICT

PETITIONER(S)/ACCUSED :

**ISHAQUE @ AKHIL, AGED 23 YEARS,
S/O.ASHRAF, MAVILIKKANDY HOUSE, P.O EDAKKULAM,
KOYILANDY, KOZHIKODE.**

**BY ADVS.SRI.A.RANJITH NARAYANAN
SMT.A.SIMI
SRI.S.K.SAJU**

RESPONDENT(S)/COMPLAINANT :

**STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,
REPRESENTING THE SUB INSPECTOR OF POLICE,
KOYILANDY POLICE STATION, KOZHIKODE DISTRICT.**

BY PUBLIC PROSECUTOR SRI.C.RASHEED

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 25-06-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

Msd.

K. ABRAHAM MATHEW, J.

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B.A.No. 3442 of 2015

Dated this the 25th day of June, 2015

O R D E R

Petition filed under Section 439 Cr.P.C.

2. Petitioner has allegedly committed the offences under Sections 366(A) and 376 of Indian Penal Code, 1860 and Section 4 of the Protection of Children from Sexual Offences Act, 2012. The prosecution case is that he kidnapped a girl, aged 17 years and committed rape on her.

3. Heard.

4. The learned counsel submits that the petitioner and the victim were in love and it was not a case of kidnapping. The petitioner has been in custody since 04.05.2015. The victim was on the verge of attaining maturity. Having regard to these facts, I am inclined to grant the prayer.

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 appear before the investigating officer between 10 a.m and 11 a.m. on every Wednesday for three months, or till the final report is filed, whichever is earlier.
- 3)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.
- 4)The petitioner shall not leave India without the previous permission of the court of enquiry or trial court as the case may be.
- 5)He shall not intimidate or attempt to influence the witnesses, nor shall he get himself involved in any other criminal case.
- 6)He shall not attempt to contact or communicate with the victim.
- 7)He shall not enter Koyilandy taluk till the conclusion of the trial.

B.A.No.3442 of 2015

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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

DST

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P.A. To Judge