

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

TUESDAY, THE 23RD DAY OF JUNE 2015/2ND ASHADHA, 1937

Bail Appl..No. 3476 of 2015 ()

CRIME NO. 329/2015 OF BINANIPURAM POLICE STATION, ERNAKULAM

PETITIONER :

**ROSHAN T.M., AGED 43 YEARS,
S/O T.G.MANUEL THIRUNILATH HOUSE, KONGORPALLY,
NORTH PARUR, ERNAKULAM DISTRICT.**

**BY ADVS.SRI.LAL K.JOSEPH
SRI.A.A.ZIYAD RAHMAN
SRI.V.S.SHIRAZ BAVA
SRI.JOSEPH KURIAN VALLAMATTAM**

RESPONDENT/RESPONDENT/COMPLAINANT :

**1. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM, PIN:682031.**

**2. SUB INSPECTOR OF POLICE
BINANIPURAM POLICE STATION, BINANIPURAM.**

R1 & R2 BY PUBLIC PROSECUTOR SRI.V.S. SREEJITH

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 23-06-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

bp

K. ABRAHAM MATHEW, J.

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B.A.No. 3476 of 2015

Dated this the 23rd day of June, 2015

ORDER

Petition filed under Section 438 Cr.P.C.

2. Petitioner is alleged to have committed the offences under Sections 323, 354, 376 and 506 of Indian Penal Code. The prosecution case is that he assaulted the victim, outraged her modesty, threatened her and committed rape on her.

3. Heard.

4. The petitioner is a bachelor. The victim is a married woman, aged 34 years. Annexure-A2 documents produced by the petitioner indicate that she wanted to have extra-marital relationship with the petitioner. It was she who was taking the initiative. This was in spite of the fact that she was living with her husband and children. The documents speak volumes. This is a fit case of grant anticipatory bail.

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)The petitioner shall not leave India without the previous permission of the court of enquiry or trial court as the case may be.
- 4)He shall not intimidate or attempt to influence the witnesses.
- 5)He shall not destroy or tamper with evidence.
- 6)He shall appear before the Investigating Officer for interrogation if he is so required by him in writing.
- 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