

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. 3489 of 2015 ()

**CRIME NO. 573/2015 OF BALARAMAPURAM POLICE STATION ,
THIRUVANANDAPURAM DISTRICT**

PETITIONER/ACCUSED :

**SANTHOSH KUMAR, AGED 30 YEARS,
S/O. SREEDHARAN, VADKKEVILA CHETTIYA THERUVILA VEEDU,
BALARAMAPURAM, PALLIKAL VILLAGE, NEYYATINKARA,
THIRUVANANTHAPURAM DISTRICT.**

**BY ADVS.SRI.S.RAJEEV
SRI.K.K.DHEERENDRAKRISHNAN
SRI.V.VINAY**

RESPONDENTS/STATE:

- 1. STATE OF KERALA
REP. BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA
ERNAKULAM - 682 031
(CRIME NO. 573/2015 LF BALARAMAPURAM POLICE STATION
THIRUVANANTHAPURAM DISTRICT)**
- 2. STATION HOUSE OFFICER,
BALARAMAPURAM POLICE STATION,
THIRUVANANTHAPURAM DISTRICT - 695 501
(CRIME NO. 573/2015 OF BALARAMAPURAM POLICE STATION
THIRUVANANTHAPURAM DISTRICT)**

R1 & R2 BY PUBLIC PROSECUTOR SRI. DHANESH MATHEW MANJOORAN

**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.3489 of 2015

Dated this the 23rd day of June, 2015

O R D E R

Petition filed under Sec.438 Cr.P.C.

2. Petitioner is alleged to have committed the offence under Section 376 of IPC. The prosecution case is that he gave a false promise to the victim that he would marry her, on the basis of which she agreed to have sexual intercourse with her. Learned counsel submits that the allegations are false.

3. Heard.

4. The incident allegedly happened in 2008. The sexual intercourse admittedly took place with consent. The long delay of seven years in informing the police itself is sufficient to grant the prayer for anticipatory bail.

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)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 not get himself involved in any other criminal case while he is on bail.

7) He shall appear before the Investigating Officer for interrogation if he is so required by him in writing.

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