

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

FRIDAY, THE 26TH DAY OF JUNE 2015/5TH ASHADHA, 1937

Bail Appl..No. 3565 of 2015 ()

**CRIME NO. 446/2015 OF CHIRAYINKEEZHU POLICE STATION,
THIRUVANANTHAPURAM DISTRICT**

PETITIONER/ACCUSED NO.5 :

**AJI,
S/O.ALEXANDER, AGED 21 YEARS
AJIN BHAVAN, WEST ARAYATHURUTHY
CHIRAYINKEEZHU VILLAGE, THIRUVANANTHAPURAM.**

**BY ADVS.SRI.K.C.SANTHOSHKUMAR
SMT.K.K.CHANDRALEKHA**

RESPONDENT/COMPLAINANT :

**STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM.**

BY PUBLIC PROSECUTOR SRI. SHIBU JOSEPH

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 26-06-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Mn

K.ABRAHAM MATHEW, J.

B.A. No.3565 of 2015

Dated this the 26th day of June, 2015

O R D E R

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

2. Petitioner is the 5th accused in Crime No.446 of 2015 of Chirayinkeezhu Police station registered for the offences under Secs.394 and 376 read with Sec.34 of the Indian Penal Code and Sec.3(i)(xii) of the Scheduled Caste/Scheduled Tribes (Prevention of Atrocities) Act. It is alleged that the 1st accused committed rape on the victim who belongs to a scheduled caste and forcibly took away her gold chain. The petitioner was present when the chain was taken away and it is further alleged that he uttered obscene words.

3. Heard both sides.

4. The facts of the case do not disclose commission of the offence under the Scheduled Caste/Scheduled Tribes (Prevention of Atrocities) Act by the petitioner. There is no allegation that he committed

rape on the victim girl. The only allegation against him is that he was present when the 1st accused snatched the gold chain of the victim. Though there is an allegation that he uttered obscene words, those words are not mentioned. In these circumstances, I am inclined to grant the prayer of the petitioner.

In the result, the bail application is allowed.

1) The petitioner shall be released on bail after interrogation on his executing a bond for Rs.25,000/- (Rupees Twenty five thousand 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 interrogation if he is so required by him in writing.

3) He shall not enter the premises in which the first informant is residing.

4) He shall not contact or communicate with the first informant or her relatives, except

with the permission of the trial court concerned.

5) He shall not destroy or tamper with evidence nor shall he get himself involved in any other criminal case.

6) He shall not harass the defacto complainant or her relatives.

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

/ True Copy /

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P.A. To Judge