

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. 3570 of 2015 ()

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CRIME NO. 1004/2015 OF KOTHAMANGALAM POLICE STATION,
ERNAKULAM DISTRICT.**

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PETITIONER/ACCUSED:

**JOHN, AGED 45 YEARS,
S/O. MATHEW, PADINJAREPPARAMBIL (H),
(NOW RESIDING AT ON RENT AT THE HOUSE OF POULOSE,
NADUKKUDY (H), KARUKADOM KARAYIL, VARAPPETTY VILLAGE).**

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

RESPONDENT/STATE:

**STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM -682 031,
(CRIME NO.1004/15 OF KOTHAMANGALAM POLICE STATION,
ERNAKULAM DISTRICT).**

BY PUBLIC PROSECUTOR SRI.V.S. SREEJITH.

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

rs.

K. ABRAHAM MATHEW, J.

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B.A.No. 3570 of 2015

Dated this the 25th day of June, 2015

ORDER

Petition filed under Section 439 Cr.P.C.

2. Petitioner is alleged to have committed the offence under Section 376 IPC. The prosecution case is that the petitioner made a false promise to the first informant that he would marry her and believing the words she allowed him to have sexual intercourse with her and thereafter he has refused to marry her.

3. Heard.

4. The first informant is aged about 42 years. She is a divorcee. The petitioner is aged 45 years. He is married. Having regard to these facts, and the fact that the petitioner has been in custody since 11.06.2015, I am inclined to grant his prayer.

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 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.

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

//True copy//

P.A. To Judge