

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. 3629 of 2015

CRIME NO. 261/2015 OF KASABA POLICE STATION , KOZHIKODE

PETITIONER(S)/2ND ACCUSED:

**SHAMNAS, AGED 32 YEARS,
MUHAMMED KOYA, ASMAS, CHEMBAYIL PARAMBA,
KALLAI P.O., KOZHIKODE DISTRICT.**

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

RESPONDENT(S)/COMPLAINANT:

**STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM - 682 031,
REPRESENTING THE SUB INSPECTOR OF POLICE,
KASABA POLICE STATION, KOZHIKODE - 673 001.**

BY PUBLIC PROSECUTOR SMT.REMA. R.

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

PJ

K. ABRAHAM MATHEW, J.

B.A. No.3629 of 2015

Dated this the 26th day of June, 2015

ORDER

Petition filed under Section 439 Cr.P.C

2. Petitioner is said to have committed the offences under Sections 3(a) read with Section 4, 7, read with Section 8 of Protection of Children from Sexual Offences Act, under Sections 366(A) and 376 read with Section 34 of Indian Penal Code and under Section 3(1) (ix) of the SC/ST (Prevention of Atrocities) Act.

3. The victim belongs to a scheduled caste. The prosecution case is that he kidnapped her and committed rape on her.

4. Heard.

5. The victim was aged 17 years. The petitioner also is an unmarried man. The learned counsel submits that they were in love. The Petitioner has been in custody since 18.04.2015. His further detention is not necessary for completion of the investigation.

In the result, this application is allowed.

1. The petitioner will be released on bail on his executing a bond for Rs.25,000/- (Twenty five thousand only) each with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate concerned.

2. He shall appear before the investigating officer between 10.00 a.m and 11.a.m on every alternate Fridays for four months, or till the final report is filed, whichever is earlier.

3. He shall not threaten or attempt to influence the witnesses, nor shall he, while on bail, get himself involved in any criminal case; nor shall he destroy or attempt to destroy the evidence or interfere with the investigation.

4. He shall not enter Koduvally taluk till the conclusion of the trial except with the permission of the court concerned or for complying with the direction in this order.

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