

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.ABRAHAM MATHEW

TUESDAY, THE 14TH DAY OF JULY 2015/23RD ASHADHA, 1937

Bail Appl..No.4026 of 2015

CRIME NO.357/2014 OF POOKOTTUMPADAM POLICE STATION,MALAPPURAM.

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PETITIONER/ACCUSED:

**SHAMSUDHEEN,AGED 23 YEARS,
S/O.MOHAMMED,KAKKADA HOUSE,MYLAMPARA,
KARULAI P.O,NILAMBUR TALUK,MALAPPURAM DISTRICT.**

**BY ADVS.SRI.P.SAMSUDIN
SRI.K.C.ANTONY MATHEW
SRI.JITHIN LUKOSE**

RESPONDENT/COMPLAINANT:

**STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,ERNAKULAM-682031.**

BY PUBLIC PROSECUTOR SRI.V.S.SREEJITH.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 14-07-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

pk

K. ABRAHAM MATHEW, J.

B.A. No.4026 of 2015

Dated this the 14th day of July, 2015

ORDER

Petition filed under Section 438 Cr.P.C.

2. Petitioner is accused of having committed the offences under Sections 376, 450 and 506(i) of the Indian Penal Code.

3. The prosecution case is that at 4 p.m on 27.07.2014 he trespassed into the kitchen of the first informant and committed rape on her.

4. Heard.

5. The petitioner is aged 22 years. The victim was a married lady aged 27 years. After divorce she married again on 05.06.2015. The alleged incident occurred at her residence on 27.07.2014. The police was informed only on 22.11.2014. The case was registered on 03.12.2014. There is no reasonable explanation for the delay. This is a very suspicious circumstance. Having regard to this fact I am inclined to grant the prayer of the petitioner for anticipatory bail.

In the result, this application is allowed.

1. The petitioner shall be released on bail after interrogation on his executing a bond for Rs.50,000/- (Rupees Fifty 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 get himself involved in any other criminal case while he is on bail.

4. He shall not intimidate or attempt to influence the witnesses.

5. He shall not destroy or tamper with the evidence.

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

7. He shall not contact or communicate with the victim.

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

R.AV

//True Copy//

PA to Judge