

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

FRIDAY, THE 24TH DAY OF JULY 2015/2ND SRAVANA, 1937

Bail Appl..No. 4160 of 2015 ()

CRIME NO. 438/2013 OF TIRUR POLICE STATION, MALAPPURAM

PETITIONER/ACCUSED :

RAFEEQUE T. P., AGED 31 YEARS,
S/O. ABOOBACKER THATHAMPARAMBIL HOUSE,
PERUNTHALLUR P.O., NALAKATH HOUSE,
BAVAPPADI, MAVANDIYUR P.O., MALAPPURAM DISTRICT

BY ADVS.SRI.P.VENUGOPAL (1086/92)
SMT.T.J.MARIA GORETTI

RESPONDENT/STATE :

STATE OF KERALA, REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM (REPRESENTING SUB INSPECTOR
OF POLICE, TIRUR, MALAPPURAM DISTRICT)

BY PUBLIC PROSECUTOR SRI. V.S. SREEJITH

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 24-07-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

bp

K. ABRAHAM MATHEW, J.

B.A. No.4160 of 2015

Dated this the 24th day of July 2015

O R D E R

Petition filed under Section 438 Cr.P.C.

2. Petitioner is accused in Crime No.438 of 2013 of Tirur Police station registered for the offences under Secs. 376 and 506(i) of the Indian Penal Code. The prosecution case is that he made a false promise to the victim that he would marry her and threatened her into having sexual intercourse with him.

3. Heard both sides.

4. The victim is a married women having a child. It is admitted that sexual intercourse between the parties took place on several occasions. On some occasions she went to him in a vehicle. Sexual intercourse took place in the vehicle also. It is specifically mentioned that he had promised to marry her and that was why she consented for the intercourse.

5. Having regard to these facts, I am inclined to grant the prayer of the petitioner for anticipatory bail.

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.1,00,000/- (Rupees one lakh only) with three solvent sureties each for the like sum if he is arrested by the Police in connection with this case.

2) The petitioner shall appear before the Investigating Officer between 10.00 a.m. and 11.00 a.m. every alternate Wednesdays for three months or till the final report is filed, whichever is earlier.

3) The petitioner shall surrender his passport before the lower court concerned or if he does not have the one, file an affidavit to that effect.

4) The petitioner shall not leave India without the previous permission of the court of enquiry or the trial court concerned as the case may be.

5) The petitioner shall not enter the house

in which the first informant is residing.

6) The petitioner shall not contact or communicate with the victim or her relatives.

7) The petitioner shall not destroy or tamper with evidence nor shall he get himself involved in any other criminal case.

8) The petitioner shall not intimidate or attempt to influence the witnesses.

9) The petitioner shall co-operate with investigation of the case.

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