

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.HARILAL

MONDAY, THE 27TH DAY OF JULY 2015/5TH SRAVANA, 1937

Bail Appl.No. 4245 of 2015

CRIME NO. 361/2015 OF POZHIOOR POLICE STATION, THIRUVANANTHAPURAM
.....

PETITIONER(S)/ACCUSED:

**ANEESH JOSE @ ANEESH, AGED 30 YEARS,
S/O. CHANDRAN, SAJI BHAVAN, VITTIYODU,
MYLACHAL, KEZHARoor VILLAGE,
THIRUVANANTHAPURAM DISTRICT.**

BY ADV. SRI.P.ANOOP (MULAVANA)

RESPONDENT(S):

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

BY PUBLIC PROSECUTOR SMT.REMA R.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
27-07-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

msv/

K. HARILAL, J.

B.A. No.4245 of 2015

Dated this the 27th day of July, 2015

ORDER

This is an application for regular bail filed under Sec.439 of the Cr.P.C.

2. The petitioner is the accused in Crime No.361/2015 of Pozhiyoor Police Station registered alleging the commission of the offences punishable under Secs.366 and 376 of the Indian Penal Code.

3. The prosecution case is that on 31/5/2015 at 7.30 p.m. the accused promising to marry the de facto complainant, abducted her and took her into an autorikshaw to his house at Keezharoor Village bearing No.13/407 of Aryankodu Panchayat. Thereafter, the accused had raped the de facto complainant till

5/6/2015 and thereby, the accused had committed the offences alleged against him.

4. The learned counsel for the petitioner submits that the accused is innocent of the offences alleged against him. He is falsely implicated in the offence. He was arrested on 7/6/2015 and the investigation of the case is practically over.

5. The learned Public Prosecutor, on instructions, submits that the investigation of the case is not yet completed and the accused was arrested on 7/6/2015. If the petitioner is released on bail, he may tamper with the evidence or influence the witnesses acquainted with the facts and circumstances of the case.

6. Having regard to the fact that the petitioner was arrested on 7/6/2015 and the police has already got sufficient time to proceed with the investigation of the case, I find that the petitioner can be released on bail on stringent conditions. Hence this application will stand allowed and the petitioner shall be released

on bail on the following conditions:

(i) The petitioner shall be released on bail on his executing a bond for ₹50,000/- (Rupees Fifty thousand only) with two solvent sureties each for the like sum to the satisfaction of the learned Judicial Magistrate of the First Class-II, Neyyattinkara.

(ii) The petitioner shall report before the Investigating Officer on every Monday at 10 a.m. for a period of one month from today and thereafter, he shall report before the Investigating Officer as and when required by him.

(iii) The petitioner shall not tamper or attempt to tamper with the evidence or influence or try to influence the witnesses.

(iv) If any of the conditions is violated, the bail granted to the petitioner shall stand cancelled and

the learned Magistrate concerned on being satisfied of the said fact, may take steps as are available to him in law.

Sd/-
(K. HARILAL, JUDGE)

Nan/

//true copy//

P.S. to Judge