

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

TUESDAY, THE 28TH DAY OF JULY 2015/6TH SRAVANA, 1937

Bail Appl..No. 4295 of 2015

**CRIME NO. 453/2015 OF SREEKRISHNAPURAM POLICE STATION,
PALAKKAD DISTRICT.**
.....

PETITIONER:

**MUHAMMED, AGED 64 YEARS,
S/O.KUNHAPPU, PALAKKAL HOUSE,
P.O.CHERPULASSERI, OTTAPALAM TALUK,
PALAKKAD DISTRICT.**

BY ADV. SRI.P.JAYARAM

RESPONDENT:

**STATE OF KERALA,
REPRESENTED BY S.I. OF POLICE,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**

BY PUBLIC PROSECUTOR SMT.REMA.R

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 28-07-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

mbr/

K.ABRAHAM MATHEW, J.

B.A.No.4295 of 2015

Dated this the 28th day of July, 2015

ORDER

Petition filed under Section 438 Cr.P.C.

2. Petitioner is the accused in Crime No.453 of 2015 of Sreekrishnapuram Police Station. He is alleged to have committed the offence under Section 376 IPC.

3. The prosecution case is that on several occasions he had sexual intercourse with the victim after making a false promise that he would marry her.

4. Heard.

5. The victim is a widow aged above 40 years. The petitioner is aged 65 years. He is a married man. It is impossible to believe that the victim believed the promise of the petitioner that he would marry her especially in view of the fact that he is a Muslim and the victim a Hindu. There are many suspicious circumstances in the prosecution case. So I am inclined to grant the prayer of the petitioner.

In the result, this application is allowed.

1) The petitioner shall be released on bail after interrogation on his executing a bond for Rs.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 surrender his passport before the lower court concerned or if he does not have one he shall file an affidavit to that effect within five days of his release.

If the petitioner surrenders before the Magistrate this order is not applicable and the learned Magistrate may pass appropriate orders.

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

Sd/-
K.ABRAHAM MATHEW
JUDGE

cms

/True copy/

P.S.to Judgep