

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

TUESDAY, THE 11TH DAY OF AUGUST 2015/20TH SRAVANA, 1937

Bail Appl..No. 4704 of 2015

CRIME NO.713 OF 2015 OF HOSDURG POLICE STATION , KASARAGOD DISTRICT

PETITIONER(S)/ACCUSED NOS 2 AND 3 :

- 1. AJITH.T, AGED 33 YEARS,
S/O.KRISHNAN, KURUNTHUR, KANHANGAD VILLAGE,
HOSDURG TALUK,**
- 2. M.ABDUL NASAR @ NASAR, AGED 41 YEARS,
S/O.MUHAMMED KUNHI, OZHINHAVALAPPU, KANHANGAD VILLAGE,
HOSDURG TALUK,**

BY ADV. SRI.A.ARUNKUMAR

RESPONDENT(S)/COMPLAINANT/STATE :

- 1. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM- 682 0150.**
- 2. THE STATION HOUSE OFFICER,
(CRIME NO.713 OF 2015 OF HOSDURG POLICE STATION,
KASARAGOD DISTRICT)- 671 315.**

BY PUBLIC PROSECUTOR SRI.V.S.SREEJITH

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 11-08-2015, ALONG WITH BA NO.4705 OF 2015, THE COURT
ON THE SAME DAY PASSED THE FOLLOWING:**

Msd.

K.ABRAHAM MATHEW, J.

B.A.Nos.4704 of 2015 & 4705 of 2015

Dated this the 11th day of August, 2015

COMMON ORDER

Petition filed under Section 439 Cr.P.C.

2. Petitioners are the accused in Crime No.713 of 2015 of Hosdurg Police Station, Kasaragod District. They are said to have committed the offences under Sections 376, 366 and 506(i) of the Indian Penal Code.

3. The prosecution case is that the second and third accused committed rape on the victim aged 30 years on two different occasions. It was facilitated by the first accused.

4. Heard both sides.

5. The victim is aged 30 years. She is married. The alleged incident happened on different occasions. The dates are not mentioned. The police was informed three months after the alleged incident. These are suspicious circumstances. The petitioners have been in custody since 25.07.2015. Their further detention is not necessary.

In the result, these applications are allowed.

1. The petitioners will be released on bail on their executing a bond for Rs.50,000/- (Rupees fifty thousand only) each with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate concerned.

2. They shall appear before the Investigating

Officer if they are so required by him in writing.

3. They shall surrender their passport before the lower court concerned or if they do not have the one, file an affidavit to that effect.

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

5. They shall not destroy or tamper with evidence nor shall they get themselves involved in any other criminal case.

6. They shall not intimidate or attempt to influence the witnesses.

7. They shall not harass the victim or her relatives.

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

R.AV

//True Copy//

PA to Judge