

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

THURSDAY, THE 13TH DAY OF AUGUST 2015/22ND SRAVANA, 1937

Bail Appl..No. 4727 of 2015 ()

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CRIME NO.1065/2015 OF MANJERI POLICE STATION, MALAPPURAM DISTRICT.**

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PETITIONERS/ACCUSED NOS.2 & 3:

- 1. MUNEER, S/O.MUHAMMED,
AGED 30 YEARS, CHOLAKKAL HOUSE, KOORIYAD,
VENGARA, THIROORANGADI, MALAPPURAM.**
- 2. SHAHEEL, S/O.ABDU, AGED 25 YEARS,
KADAPARAMBIL HOUSE, KUTTIYUR,
THIROORANGADI, MALAPPURAM.**

**BY ADVS.SRI.G.SREEKUMAR (CHELUR),
SRI.K.ASHIS.**

RESPONDENT/RESPONDENT/COMPLAINANT:

**SHO MANJERI POLICE STATION,
REP. BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, PIN-682 031.**

BY PUBLIC PROSECUTOR SMT.LALIZA. T.Y.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 13-08-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

rs.

K.ABRAHAM MATHEW, J.

.....
B.A.No. 4727 of 2015

.....
Dated this the 13th day of August, 2015

ORDER

Petition filed under Section 438 Cr.P.C.

2. Petitioners are accused in Crime No.1065 of 2015 of Manjeri Police Station, for the offences under Sections 376, 406, 420 and 493 of the Indian Penal Code. The prosecution case is that, they along with the co-accused made the victim believe that there was a valid marriage between the 1st accused and the victim and believing the words, she allowed him to have sexual intercourse with him. It is further alleged that 1st accused was entrusted with the gold ornaments of the victim and he misappropriated it.

3. Heard both sides.

4. The allegation against the petitioners is that, they received the gold ornaments, the 1st accused had taken from the victim. There is no allegation that the victim entrusted the gold ornaments with the petitioners. Having regard to these facts, I am inclined to grant the prayer of the petitioners.

5. In the result, this application is allowed.

- 1) The petitioners shall be released on bail on their executing a bond for Rs.25,000/- (Rupees twenty five thousand only) each with two solvent sureties each for the like sum if they are arrested by the Police in connection with this case.
- 2) They shall surrender their passports before the lower court concerned or if they do not have one, they shall file affidavits to that effect within five days of their release.
- 3) They shall not leave India without the previous permission of the court of enquiry or trial court, as the case may be.
- 4) They shall appear before the Investigating Officer for interrogation if they are so required by him in writing.
- 5) They shall appear before the Investigating Officer between 10 a.m. and 11 a.m. on every alternate Wednesday in September, 2015 or till the final report is filed, whichever is earlier.
- 6) They shall not intimidate or attempt to influence the witnesses.
- 7) They shall not destroy or tamper with evidence.

8)They shall not attempt to contact or communicate with the victim.

9)They shall not get themselves involved in any other criminal case while they are on bail.

10)They shall not harass the de facto complainant or her relatives.

If the petitioners surrender 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

AMV/13/08/

/TRUE COPY/

P.A.TO JUDGE