

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

WEDNESDAY, THE 30TH DAY OF SEPTEMBER 2015/8TH ASWINA, 1937

Bail Appl..No. 4853 of 2015

CRIME NO. 676/2015 OF PAYANGADI POLICE STATION , KANNUR DISTRICT

PETITIONER(S)/2ND ACCUSED :

**AMEER.M.K., AGED 37 YEARS,
S/O.HAMEED, MUKKOLAKATH HOUSE,
CHERUTHAZHAM AMSOM, MANDOOR, P.O.MANDOOR,
NOW RESIDING AT KOROME AMSOM, MANIYARA, KANAYI P.O.,
KANNUR DISTRICT.**

**BY ADVS.SRI.T.K.VIPINDAS
SRI.K.V.SREE VINAYAKAN
SRI.K.M.MUHAMMED HUSSAIN**

RESPONDENT(S)/COMPLAINANT :

**STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM
REPRESENTING S.H.O. PAYANGADI POLICE STATION,
KANNUR DISTRICT.**

BY PUBLIC PROSECUTOR SMT.TY.LALIZA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 30-09-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

Msd.

A.HARIPRASAD, J.

B.A.No.4853 of 2015

Dated this the 30th day of September, 2015

ORDER

Application filed under Section 439 of the Code of Criminal Procedure.

2. Petitioner is the second accused in Crime No.676 of 2015 of Payangadi Police Station registered for the offences punishable under Sections 376, 506(i), 420 and 384 r/w Section 34 of the Indian Penal Code and Section 3(I)(IX) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 and Section 66 (E) of the Information Technology Act.

3. Prosecution case against the petitioner is that first accused during the period of 15.03.2014 and 06.02.2015 had sexual intercourse with the *de facto* complainant by promising to marry her. The *de facto* complainant is a member of the scheduled caste community. Without her will and consent she was taken to Mangalore. 2nd accused (petitioner) also committed rape on her from Mangalore. It is further alleged that the 1st

accused forcefully obtained her gold ornaments and captured her vulgar photos on mobile phone and threatened her by showing that.

4. Heard the learned counsel for the petitioner and the learned Public Prosecutor.

5. Learned Public Prosecutor submitted that the petitioner is also a member in the gang engaged in flesh trade.

6. Petitioner was arrested on 28.07.2015. Investigation has advanced to a considerable extent. Further detention of the petitioner is not necessary. It is submitted that he is not involved in any other offence earlier. Therefore, I am inclined to grant bail to the petitioner with strict conditions:

- (a) The petitioner shall be released on bail on his executing a bond for ₹50,000/- (Rupees fifty thousand only) with two solvent sureties for the like sum to the satisfaction of the learned magistrate having jurisdiction.
- (b) The sureties shall produce documents to

establish their identity and solvency. The learned Magistrate need not insist on solvency certificate, but other documents can also be perused to find out whether the sureties are solvent or not.

- (c) The petitioner shall surrender his passport forthwith before the learned Magistrate. If he does not have a passport, he shall file an affidavit to that effect.
- (d) The petitioner shall not leave the local limits of Kannur District for a period of three months without the permission of the learned Magistrate.
- (e) The petitioner shall appear before the Investigating Officer on all Mondays and Thursdays between 10.00 a.m and 11.00 a.m. until the final report is filed.
- (f) The petitioner shall not intimidate or attempt to influence the witnesses.
- (g) The petitioner shall not in any manner

interfere or meddle with the investigation.

- (h) The petitioner shall not, during the period of this bail get involved in any offence.

In case any of the above conditions is violated, bail granted hereby is liable to be cancelled for which the investigating officer may move application before the jurisdictional magistrate.

Sd/-
A.HARIPRASAD, JUDGE.

AS

/True Copy/

P.A to Judge