

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

THURSDAY, THE 20TH DAY OF AUGUST 2015/29TH SRAVANA, 1937

Bail Appl..No. 5022 of 2015 ()

CRIME NO. 684/2015 OF MANANTHAVADY POLICE STATION, WAYANAD DISTRICT.

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PETITIONER/ACCUSED:

**BINU M.V., S/O.VASU, AGED 31 YEARS,
MATTUMMAL HOUSE, THANNIKKAL,
PUTHIYADAM, PAYYAMPALLY P.O.,
MANANTHAVADY TALUK, WAYANAD DISTRICT.**

BY ADV. SRI.V.SHYAM.

RESPONDENT/COMPLAINANT:

**STATE OF KERALA,
(REPRESENTED BY S.I. OF POLICE,
MANANTHAVADY POLICE STATION, CRIME NO.684/2015),
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**

By PUBLIC PROSECUTOR SRI.V.S. SREEJITH.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 20-08-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

rs.

K. ABRAHAM MATHEW, J.

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B.A.No. 5022 of 2015

Dated this the 20th day of August, 2015

ORDER

Petition filed under Section 439 Cr.P.C.

2. Petitioner is the accused in Crime No. 684 of 2015 of Mananthavady Police Station. He is accused of having committed the offences under Sections 376 of the Indian Penal Code and Section 3(i)(xi) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.

3. The prosecution case is that he made a promise that he would marry the victim who belongs to a scheduled caste and believing his words she allowed him to have sexual intercourse with her and now he has refused to marry her.

4. Heard.

5. The petitioner is aged 31 years and the victim 30. The question is whether there was free consent. It is a matter to be decided in the trial. The petitioner has been in custody since 27.07.2015. His further detention is not necessary for completion of the investigation. So, I am inclined to grant the prayer of the petitioner.

In the result, this application is allowed.

*1)The petitioner will be released on bail on his
executing a bond for Rs.50,000/- (Rupees fifty*

thousand only)with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate concerned.

2) He shall appear before the Investigating Officer for interrogation if he is so required by him in writing.

3)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.

4)He shall not leave India without the previous permission of the court of enquiry or trial court, as the case may be.

5)He shall not attempt to contact or communicate with the victim, nor shall he enter the premises in which she resides.

6)He shall not intimidate or attempt to influence the witnesses, nor shall he get himself involved in any other criminal case.

7)He shall co-operate with investigation of the case.

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**

DST

//True copy//

P.A. To Judge