

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE BABU MATHEW P.JOSEPH

WEDNESDAY, THE 2ND DAY OF SEPTEMBER 2015/11TH BHADRA, 1937

Bail Appl..No. 5028 of 2015 (C)

AGAINST THE ORDER IN CRMC 1219/2015 of SESSIONS COURT,MANJERI
DATED 07-08-2015
CRIME NO. 923/2015 OF VENGARA POLICE STATION , MALAPPURAM

PETITIONER/ACCUSED:

SEYED HYDRUSE KOYA THANGAL, AGED 23 YEARS
S/O.SAYED KUNHIKOYA THANGAL
KADALUNDI KODAKKADAKATH HOUSE, VALIYORA POST, VENGARA
MALAPPURAM DISTRICT.

BY ADVS. SRI.S.RAJEEV
SRI.K.K.DHEERENDRAKRISHNAN
SRI.V.VINAY

RESPONDENTS/ & STATE:

-
1. STATE OF KERALA
REP. BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA
ERNAKULAM - 682 031.(CRIME NO.923/2015 OF VENGARA POLICE
STATION MALAPPURAM DISTRICT).
 2. STATION HOUSE OFFICER
VENGARA POLICE STATION
MALAPPURAM DISTRICT -676 304.

BY PUBLIC PROSECUTOR SRI.C.K.JAYAKUMAR

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
02-09-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

BABU MATHEW P. JOSEPH, J.

B. A. No.5028 of 2015

Dated this the 2nd day of September, 2015

ORDER

This petition is filed under Section 438 of Cr.P.C for anticipatory bail.

2. Heard the learned counsel appearing for the petitioner and the learned Public Prosecutor appearing for the respondents. C.D. produced.

3. The petitioner is the accused in Crime No.923 of 2015 of Vengara Police Station. The offences alleged are under Sections 376 and 420 of IPC. The allegation is that the petitioner committed rape on the de facto complainant on 22-03-2015 and on next two days and also committed cheating in respect of some gold ornaments and money.

4. Learned counsel for the petitioner submits that the petitioner is innocent of the allegations raised against him. He is aged 23. The de facto complainant is aged 27. She is a divorcee. The delay occurred in lodging the complaint with

the police itself shows that the complaints raised against the petitioner are baseless. The investigation of the case is almost over. The custodial interrogation of the petitioner is not required in this case. He has no criminal antecedents. He further submits that the petitioner apprehends arrest by the police at any time.

5. The Case Diary shows that the investigation of the case has progressed much. Learned Public Prosecutor has opposed this petition. He admits that no criminal antecedents have been reported against the petitioner. On considering the facts and circumstances and the stage of the investigation, this Court is of the view that the petitioner can be granted anticipatory bail imposing appropriate conditions.

6. Therefore, the petitioner is granted anticipatory bail subject to the following conditions:

- 1)The petitioner shall surrender before the Investigating Officer on or before 09-09-2015. In the

event of his arrest, he shall be released on bail on his executing a bond for ₹ 25,000/- (Rupees twentyfive thousand only) with two solvent sureties each for the like sum to the satisfaction of the Investigating Officer.

- 2)The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him or her from disclosing such facts to the Court or to any Police Officer.
- 3)The petitioner shall make himself available for interrogation as and when required by the Investigating Officer.
- 4)The petitioner shall not influence or intimidate the prosecution witnesses nor shall he attempt to tamper with the evidence for the prosecution.
- 5)The petitioner shall not commit any similar offence while on bail.

6)The petitioner shall not leave India without the previous permission of the concerned Magistrate's Court.

This petition is allowed as above.

Sd/-
BABU MATHEW P. JOSEPH
JUDGE

kns/-

//TRUE COPY//

P.A. TO JUDGE