

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

TUESDAY, THE 22ND DAY OF SEPTEMBER 2015/31ST BHADRA, 1937H

Bail Appl..No. 5119 of 2015 ()

CRIME NO. 524/2015 OF KOTTAYI POLICE STATION, PALAKKAD DISTRICT

PETITIONER/ACCUSED :

**ABDUL KADER
AGED 47 YEARS, S/O.SAIDU MUHAMMED,
R/AT CHERUPOTTAVEEDU
CHENGANNIYURKKAV, MATHUR,
PALAKKAD DIST.**

**BY ADVS.SRI.P.S.SREEDHARAN PILLAI
SRI.T.K.SANDEEP
SRI.ARJUN SREEDHAR
SRI.ARUN KRISHNA DHAN**

RESPONDENT/STATE :

**STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM.**

***ADDL. R2 IMPLEADED**

***ADDL.R2. RAHEENA
AGED 34 YEARS, W/O. ABDUL JABBAR
ANIYATHKUNDU HOUSE
NADUVATHPARA P.O., ALATHUR TALUK.**

***ADDL. R2 IS IMPLEADED AS PER ORDER IN CRL.M.A. NO. 9122/2015
DATED 22/09/2015.**

**R1 BY PUBLIC PROSECUTOR SMT. LALIZA T.Y.
ADDL.R2 BY ADV. SRI.L.RAJESH NARAYAN**

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 22-09-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Mn

A.HARIPRASAD,J.

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B.A.No.5119 of 2015

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Dated this the 22nd day of September, 2015

O R D E R

Application for bail under Section 439 of Cr.p.C.

2. The petitioner is the accused in Crime No.524/2015 of Kottayi Police Station, Palakkad district, registered for offences punishable under Sections 376, 452 and 506(i) of Indian Penal Code.

3. Prosecution case is that, on 09-03-2005 at about 01.00 A.M and on 19-03-2008 while the de facto complainant was residing in her matrimonial home, the accused criminally trespassed into her room, muffled her and committed rape on her. It is also alleged that the accused threatened the de facto complainant that he would publish some video clippings through Internet.

4. Heard the learned counsel for the petitioner, learned counsel for the de facto complainant and the learned Public Prosecutor.

5. The petitioner was arrested on 03-08-2015. He

remains in custody. Learned Public Prosecutor submitted that the statement of the victim under Section 164 of Cr.P.C have been recorded.

6. The learned counsel for the de facto complainant submitted that there is every possibility of the accused interfering in the investigation and meddelling with the witnesses.

7. The accused is the brother-in-law of the victim. Considering the relationship between the parties and that the fact that they residing in nearby houses, bail is granted to the petitioner with the following conditions:

- i. The petitioner shall be released on bail on executing a bond for Rs.50,000/- (Rupees Twenty Five thousand only) with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate having jurisdiction.
- ii. The sureties shall produce documents to establish their identity and solvency. The learned Magistrate need not insist on the solvency certificate, but other documents can also be perused to find out whether the sureties are solvent or not.
- iii. The petitioner shall appear before the Investigating Officer on all Mondays and Thursdays between 10.00 and 11.00 A.M until final report is filed.
- iv. The petitioner shall not indulge in any offence

while on bail.

v. The petitioner shall not influence or intimidate the witnesses or meddle with the investigation in any manner.

8. The petitioner shall not enter the limits of Kottayi Police Station except for the purpose of reporting before the Investigating Officer for a period of three months or until the final report is filed, whichever is earlier.

If any of the above conditions is breached by the petitioner, the learned Magistrate is free to cancel bail without referring the matter to this Court.

Sd/-
A.HARIPRASAD
JUDGE

AVS