

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

FRIDAY, THE 4TH DAY OF SEPTEMBER 2015/13RD BHADRA, 1937

Bail Appl..No. 5286 of 2015 ()

**CRIME NO. 480/2015 OF PULPALLY POLICE STATION,
WAYANAD DISTRICT**

PETITIONER/ACCUSED NO.1 :

**DINESH KUMAR @ DINESAN, AGED 47 YEARS,
S/O. KANARAN, PUTHENVEETIL HOUSE, AISWARYA KAVALA,
SEETHAMOUNT P.O., PULPALLY, S.BATHERY
WAYANADU DISTRICT.**

BY ADV. SRI.MATHEW KURIAKOSE

RESPONDENT/COMPLAINANT :

**STATE OF KERALA
(CRIME NO. 480/2015 OF PULPALLY POLICE STATION)
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682031.**

BY PUBLIC PROSECUTOR MR. RAJESH VIJAYAN

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 04-09-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

bp

A.HARIPRASAD, J.

B.A No.5286 of 2015

Dated this the 4th day of September, 2015.

ORDER

Application for bail under Section 439 Cr.P.C.

2. Petitioner is the first accused in Crime No.480/2015 of Pulpally Police Station for offences punishable under Sections 366, 376(2)(n) and 109 I.P.C and Section 5(1) r/w Section 6 of Protection of Children from Sexual Offences Act, 2012.

3. Prosecution case, in short, is that the first accused abducted the defacto complainant, a minor from her house and committed rape on her repeatedly during the period from 03-05-2015 till 08-07-2015.

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

5. The petitioner was arrested on 25-07-2015. Investigation in respect of this accused has progressed to a considerable extent. Considering the facts and circumstances of

the case, I am of the view that bail can be granted to the petitioner with following strict conditions :

1. The petitioner shall be released on bail on 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 having jurisdiction.
2. The sureties shall produce documents to establish their identity and solvency. The learned trial Judge need not insist on solvency certificate, but other documents can also be perused to find out whether the sureties are solvent or not.
3. 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.
4. The petitioner shall not indulge in any offence while on bail.
5. The petitioner shall not influence or intimidate the witnesses or meddle with the investigation in any manner.

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.

**A.HARIPRASAD,
JUDGE.**