

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

TUESDAY, THE 15TH DAY OF SEPTEMBER 2015/24TH BHADRA, 1937

Bail Appl..No. 5509 of 2015 ()

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CRIME NO. 604/2015 OF WANDOOOR POLICE STATION,
MALAPPURAM DISTRICT
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PETITIONER/ACCUSED :

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SIMIL RAHMAN, AGED 29 YEARS,
S/O. UMMERKOYA, ERANJIKKAL HOUSE, OLIPPUZHA,
PANDIKKAD, EDAPPATTA, MALAPPURAM DISTRICT.**

**BY ADVS.SRI.P.SAMSUDIN
SRI.K.C.ANTONY MATHEW
SRI.JITHIN LUKOSE**

RESPONDENT/COMPLAINANT :

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STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682031.**

BY PUBLIC PROSECUTOR SMT. T.Y. LALIZA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 15-09-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

bp

A.HARIPRASAD, J.

B.A.No.5509 of 2015

Dated this the 15th day of September, 2015

ORDER

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

2. Petitioner is the accused in Crime No.604 of 2015 of Wandoor Police Station registered for the offence punishable under Section 376 of the Indian Penal Code.

3. Prosecution case is that on 22.07.2014 at about 11.00 a.m., the accused promised to marry the *de facto* complainant and committed rape on her.

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

5. Learned counsel for the petitioner submitted that the alleged incident took place about one year prior to the reporting of the crime. He is innocent of all the accusations.

6. Learned Public Prosecutor submitted that the incident was on 22.07.2015. He committed the offence and then went to gulf. Thereafter, he came back and he

was arrested later.

7. Considering the nature of allegations and fact that the petitioner is in custody for a reasonable period, bail is granted with the following 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 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.
- (d) The petitioner shall not intimidate or attempt

to influence the witnesses.

- (e) The petitioner shall not in any manner interfere or meddle with the investigation.
- (f) 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