

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

WEDNESDAY, THE 23RD DAY OF SEPTEMBER 2015/1ST ASWINA, 1937

Bail Appl..No. 5595 of 2015

CRIME NO. 598/2014 OF PARIYARAM POLICE STATION, KANNUR DISTRICT.
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PETITIONER/ACCUSED:

**MOHAMMED FAIZAL @ FAIZAL,
AGED 34 YEARS, S/O.MUHAMMEDKUTTY,
CHERIKALLINMEL HOUSE, KARAKKAD,
VADANAMKURISSI POST - 679 121,
PALAKKAD DIST.**

BY ADV. SRI.R.SREEHARI

RESPONDENT(S)/STATE & DEFACTO COMPLAINANT:

- 1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM,
THROUGH THE SUB INSPECTOR OF POLICE,
PARIYARAM POLICE STATION,
KANNUR DISTRICT, PIN : 670 502.**
- 2. SAJITHA K, AGED 28 YEARS, D/O.YOOSUF,
KUNNUMMAL HOUSE, MANDOUR POST,
TALIPARAMBA TALUK, KANNUR DISTRICT
AND NOW RESIDING AT KUNNUMMAL HOUSE,
MOTTAMMAL, ELAMBACHI POST,
THEKKE TRIKARIPUR VILLAGE, HOSDURG TALUK,
KASARAGOD DISTRICT, PIN - 671 311.**

**R1 BY PUBLIC PROSECUTOR SMT.T.Y.LALIZA
R2 BY ADV. SRI.K.RAJESH SUKUMARAN**

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 23-09-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

mbr/

A.HARIPRASAD, J.

B.A. No.5595 of 2015

Dated this the 23rd day of September, 2015

ORDER

Petition under Section 438 of the Code of Criminal Procedure.

2. Petitioner apprehends arrest in Crime No.598 of 2014 of Pariyaram Police Station registered for an offence punishable under Section 376 of the Indian Penal Code.

3. Prosecution case is that the accused promised to marry the defacto complainant and thereafter committed rape on her.

4. Heard the learned counsel for the petitioner and the defacto complainant. Learned Prosecutor is also heard.

5. Learned counsel for the petitioner and the defacto complainant submitted that the defacto complainant has no grievance against the petitioner as they have settled the matter.

I shall not take into consideration any of those submissions especially in a case of rape. However, considering the fact that the defacto complainant is a person aged 26 years, following directions are issued:

i. Petitioner shall appear before the investigating officer within a period of two weeks and submit himself for interrogation. Thereafter he shall execute 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. In that event, they shall be released on bail in Crime No.598 of 2014 of Pariyaram Police Station.

ii. The sureties shall produce documents to establish their identity and solvency.

iii. Petitioner shall appear before the Investigating Officer as and when directed in writing and co-operate with the investigation in the matter.

iv. He shall not influence or intimidate the witnesses.

In case of violation of any of the above conditions, the learned Magistrate having jurisdiction is empowered to cancel the bail in accordance with law without referring the matter to this Court.

A. HARIPRASAD, JUDGE.

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