

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

TUESDAY, THE 29TH DAY OF SEPTEMBER 2015/7TH ASWINA, 1937

Bail Appl..No. 5769 of 2015 ()

CRIME NO. 284/2015 OF KAMBALAKKAD POLICE STATION, WAYANAD DISTRICT

PETITIONER/ACCUSED:

**JOSHI P.J., S/O.JOHN, AGED 34 YEARS,
PUTHANPURAYIL HOUSE, ECHOM P.O.,
VILAMBUKANDAM, ANCHUKUNNU AMSOM,
WAYANAD DISTRICT.**

**BY ADVS.SRI.KRISHNA PRASAD. S
SRI.NOBEL RAJU**

RESPONDENT/COMPLAINANT:

**STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, REPRESENTING S.I. OF POLICE,
KAMBALAKKAD POLICE STATION.**

BY PUBLIC PROSECUTOR SMT. T.Y.LALIZA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 29-09-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

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A. HARIPRASAD, J.

Bail Appl. Nos.5769 of 2015

Dated this the 29th day of September 2015

O R D E R

Bail application filed under Sec.439 of Cr.P.C.

2. Petitioner is the accused in Crime No.284 of 2015 of Kambalakkad Police station registered for the offences punishable under Secs. 376(2)(i), 366 and 342 of the Indian Penal Code, Secs.3(1)(xi), 3(2)(v) of the Scheduled Castes/Scheduled Tribes (Prevention of Atrocities) Act, 1989 and Sec.3(a) read with Sec.4 of the Protection of Children from Sexual Offences Act 2012.

3. The prosecution case is that on 30.07.2015 at 6.00 p.m., the accused kidnapped the defacto complainant, a child aged 13 years belonging to a Scheduled Tribe community, took her to a secret place and thereafter committed rape on her.

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

5. Learned Public Prosecutor opposed the bail application.

6. The petitioner has been in custody since

03.08.2015. Investigation has advanced to a considerable extent. Formalities have been almost completed. Therefore, bail is granted to the petitioner with the following conditions.

i. The petitioner shall be released on bail on his 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.

ii. The sureties shall be the persons permanently residing in the State of Kerala and shall produce documents to establish their identity and solvency.

iii. The petitioner shall appear before the Investigating Officer between 10.00 a.m. and 11.00 a.m. on every Monday and Thursday until final report is filed.

iv. The petitioner shall not intimidate or attempt to influence the witnesses, nor shall

he tamper with the evidence.

v. The petitioner shall not involve in any
other offence during the period of bail.

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

Sd/-
A. HARIPRASAD
JUDGE

/ True Copy /

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P.A. To Judge