

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

WEDNESDAY, THE 7TH DAY OF OCTOBER 2015/15TH ASWINA, 1937

Bail Appl..No. 6127 of 2015 ()

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AGAINST THE ORDER IN CMP 5553/2015 of JUDICIAL FIRST CLASS MAGISTRATE COURT-  
II, NEYYATTINKARA DATED 26-09-2015  
CRIME NO. 819/2015 OF THIRUVALLAM POLICE STATION

PETITIONER/ACCUSED (IN CUSTODY) :

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ANU @ KUTTAN AGED 28 YEARS  
S/O.SASI, RESIDING AT KUNNUMPURATHU VEEDU, T.C.67/55  
PANATHUA, PACHALLOOR, THIRUVALLAM  
FROM SUCHA HOUSE, KEEZHOOOR, KOLIYOOR  
MUTTAKKADU DESOM, VENGANNOOR VILLAGE.

BY ADVS.SRI.M.RAJAGOPALAN NAIR  
SRI.G.BIJU

RESPONDENTS/STATE AND COMPLAINANT:

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1. CIRCLE INSPECTOR OF POLICE,  
NEMOM POLICE STATION  
PIN-695020.
  2. STATE OF KERALA  
REPRESENTED BY THE PUBLIC PROSECUTOR  
HIGH COURT OF KERALA, ERNAKULAM-682031.

R BY PUBLIC PROSECUTOR SMT.T.Y.LALIZA

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 07-10-2015,  
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

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**A.HARIPRASAD, J.**

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**B.A.No.6127 of 2015**  
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**Dated this the 7<sup>th</sup> day of October, 2015**

**ORDER**

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

2. The petitioner seeks bail in Crime No.819 of 2015 of Thiruvallam Police Station registered under Sections 376 IPC and section 3(ii) (v) of SC/ST Prevention of Atrocities Act, 1989.

3. The prosecution case is that the defacto complainant was in love with the petitioner and the petitioner had sexual intercourse with the defacto complainant somewhere in January 2013 and thereafter on three occasions at her house by promising to marry her. Subsequently he went to Gulf country and made a breach of promise.

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

4. The petitioner remains in custody from 21.06.2015. The learned Public Prosecutor submitted that final report has already been filed in this matter and the matter is pending in committal proceedings.

5. The learned counsel for the petitioner submitted that

the application filed for bail before the Magistrate was dismissed.

5. Considering the fact that the petitioner is in custody for more than 90 days and final report has been filed, bail is granted to him 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 court below on all posting days without fail. .*

*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/

P.A to Judge

AV