

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

THURSDAY, THE 29TH DAY OF OCTOBER 2015/7TH KARTHIKA, 1937

Bail Appl..No. 6472 of 2015 ()

CRIME NO. 170/2015 OF KAMBALAKKAD POLICE STATION, WAYANAD

PETITIONER/ACCUSED :

**SHAJI
S/O. JOHN, AGED 37 YEARS
PULLUMUNDAYIL HOUSE, KUMBALAKAD
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 THE SI OF POLICE
KAMBALAKKAD POLICE STATION.**

BY PUBLIC PROSECUTOR SMT. R. REMA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 29-10-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Mn

A. HARIPRASAD, J.

Bail Appl. No.6472 of 2015

Dated this the 29th day of October 2015

ORDER

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

2. Petitioner is the accused in Crime No.170 of 2015 of Kamblakkad Police station registered for the offences punishable under Sec.376 of the Indian Penal Code and Secs.3(1)(i) and 3(i)(xi) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act. Prosecution case is that, the accused committed sexual intercourse with the defacto complainant after intoxicating her. As a result of which, she became pregnant and gave birth to a child. The defacto complainant claims to be a member of the Paniya cast, a Scheduled Tribe community.

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

4. Learned counsel for the petitioner submitted that there is inordinate delay in filing the complaint.

5. Learned Public Prosecutor opposed the bail application.

Considering the nature of allegations and the fact that investigation has advanced to a considerable extent, 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 lower Court need not insist on solvency certificate. Other documents revealing the solvency of the sureties can also be relied on.

iv. The petitioner shall appear before the

Investigating Officer for interrogation on all Mondays and Thursdays between 10.00 a.m. and 11.00 a.m. until final report is filed.

v. The petitioner shall not intimidate or attempt to influence the witnesses, nor shall he tamper with the evidence.

vi. 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 /

NS/29/10/2015

P.A. To Judge