

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. 6659 of 2015 ()

CRIME NO. 588/2015 OF PERUMPADAPPU POLICE STATION,MALAPPURAM DISTRICT

PETITIONER/ACCUSED:

**ASHIQUE, S/O.ABOOBACKER, AGED 19 YEARS,
THAZHATHETHIL HOUSE, EDAPPAL,
MALAPPURAM DISTRICT.**

BY ADV. SRI.BABU S. NAIR

RESPONDENT(S)/STATE & COMPLAINANT :

- 1. THE STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM,
KOCHI-682 031.**
- 2. THE SUB INSPECTOR OF POLICE,
PERUMPADAPPU POLICE STATION,
MALAPPURAM DISTRICT-679 580.**

BY SR PUBLIC PROSECUTOR SRI.RAJESH VIJAYAN

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

sts

A.HARIPRASAD, J.

B.A.No.6659 of 2015

Dated this the 29th day of October, 2015

ORDER

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

2. Petitioner is the accused in Crime No.588 of 2015 of Perumpadappu Police Station registered for the offences punishable under Sections 366A and 376 of the Indian Penal Code and Section 6 of the Protection of Children from Sexual Offences Act.

3. Prosecution allegation is that the petitioner removed a minor girl from lawful custody and committed rape on her.

4. Heard both sides.

5. Learned counsel for the petitioner submitted that the petitioner is a second year degree student, aged 19 years. The defacto complainant was a girl in the neighborhood and they were in love with each other. The allegations are untrue, according to the petitioner.

6. After hearing the learned counsel on both sides, I am of the view that the petitioner can be enlarged on bail

bearing in mind the fact that the petitioner was in custody from 30.09.2015 onwards and also the stage of investigation.

- (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 lower court 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 Saturdays 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) The 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