

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

WEDNESDAY, THE 28TH DAY OF OCTOBER 2015/6TH KARTHIKA, 1937

Bail Appl..No. 6716 of 2015 ()

CRIME NO. 2547/2015 OF ADOOR POLICE STATION , PATHANAMTHITTA

PETITIONER(S)/ACCUSED:

SHIJU @ JEROME AGED 32 YEARS
S/O.KUNJUKUNJU, THADAVILAYIL HOUSE, CHIRANICKAL
AIKKADU MURI KODUMON, PATHANAMTHITTA.

BY ADVS.SRI.K.SHAJ
SRI.SAJJU.S

RESPONDENT(S)/STATE:

1. STATE OF KERALA
REPRESENTED BY ITS PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM-31.
2. SUB INSPECTOR OF POLICE
ADOOR POLICE STATION
PATHANAMTHITTA DISTRICT.682 035.

BY PUBLIC PROSECUTOR MS R.REMA

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 28-10-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

A.HARIPRASAD, J.

B.A. No.6716 of 2015

Dated this the 28th day of October, 2015

ORDER

Application for bail under Section 439 of the Code of Criminal Procedure.

2. Petitioner seeks bail in Crime No.2547 of 2015 of Adoor Police Station registered for an offence punishable under Sections 376 of the Indian Penal Code.

3. Prosecution case is that the accused performed a marriage ceremony with the defacto complainant in the month of March, 2011 at Oachira Temple. The accused is a Christian by religion and the defacto complainant is a Hindu. It is the case of the defacto complainant that after the ceremony, they lived as man and wife in her deceased husband's house. It is alleged that the accused falsely made her believe that he married her and had sex with her. According to the defacto complainant, the accused later married another lady. Hence he committed the offence.

4. Heard both sides.

5. Learned counsel for the petitioner submitted that going by the allegations in the first information statement itself it cannot be said that the accused had lawfully married the defacto complainant as she was aware of

the fact that they belonged to different religions. Therefore there is no inducement or false representation by the accused. Since the defacto complainant is a widow aged more than 36 years, there is no question of absence of consent.

Considering the nature of allegations and the fact that the accused is in custody from 03.10.2015 onwards, bail is granted to the petitioner with the following conditions:

- i. Petitioner shall be released on bail on executing a bond for ₹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 produce documents to establish their identity and solvency. The lower court need not insist on the solvency certificate, but other documents can also be perused to find out whether the sureties are solvent or not.
- iii. The petitioner shall appear before the Investigating Officer on all Mondays and Thursdays between 10.00 and 11.00 a.m until final report is filed.
- iv. The petitioner shall not indulge in any offence while on bail.
- v. The petitioner shall not influence or intimidate the

witnesses or meddle with the investigation in any manner.

If any of the above conditions is breached by the petitioner, the lower court concerned is free to cancel bail without referring the matter to this Court.

A. HARIPRASAD, JUDGE.

cks