

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. 6748 of 2015

CRIME NO. 1326/2015 OF VADANAPPILLY POLICE STATION , THRISSUR

APPLICANT(S)/2ND & 3RD ACCUSED :

- 1. TAHIN HASSRE, AGED 25 YEARS,
S/O.MONDU HASSRE, KAMARA VILLAGE, KUSUGRAM P.O.,
BURDVAN DISTRICT, WEST BENGAL.**
- 2. RAKALI MAJI, AGED 34 YEARS,
S/O.SHADEV MAJI, SHAJADPUR VILLAGE, BAMUNPARAGA P.O.,
BURDVAN DISTRICT, WEST BENGAL.**

**BY ADVS.SRI.SANTHOSH P.PODUVAL
SMT.R.RAJITHA
SMT.VINAYA V.NAIR**

RESPONDENT(S)/STATE/COMPLAINANT :

**STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**

BY PUBLIC PROSECUTOR SMT.R.REMA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 29-10-2015, ALONG WITH BA.NO.6755 OF 2015, THE COURT
ON THE SAME DAY PASSED THE FOLLOWING:**

Msd.

A. HARIPRASAD, J.

Bail Appl. No.6748 & 6755 of 2015

Dated this the 29th day of October 2015

O R D E R

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

2. Petitioners are accused in Crime No.1326 of 2015 of Vadanappilly Police station registered for the offences punishable under Secs.363, 366A and 376D of the Indian Penal Code and Sec.5(G) read with Sec.6 of the Protection of Children from Sexual Offences Act. Prosecution case is that, the 1st accused (petitioner in B.A. No.6755 of 2015) enticed the victim girl aged 16 years on a promise to marry her. After abducting her with the help of other accused (petitioners in B.A. No.6748 of 2015) she was brought to Kerala and on 20.08.2015 the accused persons subjected her to sexual intercourse by force. All the accused persons were arrested on 10.09.2015.

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

4. Learned counsel for the petitioners submitted that the 1st accused was in love with the girl and she eloped with him. The other accused have not committed any offence.

5. Learned Public Prosecutor opposed the submission contending that the 2nd accused also committed rape of the victim girl.

Considering the stage of investigation and the fact that the petitioners are the natives of West Bengal, bail is granted to them with the following conditions.

i. Each of the petitioners shall be released on bail on their executing a bond for Rs.50,000/- (Rupees fifty thousand only) each with two solvent sureties each for the like sum to the satisfaction of the learned Special Judge 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 petitioners 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 petitioners shall surrender their passports before the lower court concerned or if they do not have the same, file affidavit to that effect.

vi. The petitioners shall not leave the State of Kerala without obtaining permission from the learned Special Judge.

vii. The petitioners shall not intimidate or attempt to influence the witnesses, nor shall they tamper with the evidence.

viii. The petitioners 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