

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. 6768 of 2015 ()

CRIME NO. 520/2012 OF ADOOR POLICE STATION, PATHANAMTHITTA DISTRICT.

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PETITIONER/ACCUSED:

**RAMDAS, AGED 25 YEARS,
S/O.CHANDRASHEKHARAN NAIR,
KULANGARA MELATHIL VEEDU,
MULLOOR KULANGARA , PARAKODE MURI,
ADOOR, PATHANAMTHITTA.**

BY ADV. SRI.MANSOOR.B.H.

RESPONDENTS/COMPLAINANT/STATE:

**1. STATE OF KERALA,
REP. BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM,
REPRESENTING THROUGH STATION HOUSE OFFICER,
ADOOR POLICE STATION, PATHANAMTHITTA DISTRICT.**

**2. ATHIRA, AGED 21 YEARS,
W/O.DEEPU, DEEPU BHAVANAM, PERINGINADU,
MELLOD, ADOOR, PATHANAMTHITTA- 689 648.**

**R1 BY SR. PUBLIC PROSECUTOR SRI.SHIBU JOSEPH.
R2 BY ADVS. SMT.K.PUSHPAVATHI,
SMT.NITHYA SASI.**

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

rs.

A. HARIPRASAD, J.

Bail Appl. No.6768 of 2015

Dated this the 29th day of October 2015

O R D E R

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

2. Petitioner is the accused in Crime No.520 of 2012 of Adoor Police station registered for the offences punishable under Secs.366 and 376 of the Indian Penal Code and Secs.3(1)(XI), 3(2)(V) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act. Prosecution case is that the petitioner, a member of the Nair community, promised to marry the defacto complainant, who was a minor belonging to SC community, and committed rape on the girl. Later, he retracted from his promise.

3. Heard the learned counsel for the petitioner, counsel for the defacto complainant and the learned Public Prosecutor.

4. Learned counsel for the petitioner and the counsel for the defacto complainant submitted that the matter has been settled and the defacto complainant is

happily married to another person.

5. Learned Public Prosecutor submitted that charge has been filed in this case.

Considering the nature of allegations and the fact that the petitioner is in custody from 05.10.2015, 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 Court below on all posting dates without any fail.

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

vii. 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