

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

THURSDAY, THE 3RD DAY OF DECEMBER 2015/12TH AGRAHAYANA, 1937

Bail Appl..No. 6933 of 2015 ()

CRIME NO. 630/2015 OF POTHUKALLU POLICE STATION,MALAPPURAM DISTRICT

PETITIONER/ACCUSED:

**RAJEEV,
S/O. RAMACHANDRAN PILLAI, AGED 40 YEARS,
VARIYAVEETIL HOUSE,
UTHIRAMKULAM, UPPADA P.O., EDAKKARA,
MALAPPURAM DIST.**

**BY ADVS.SRI.P.S.SREEDHARAN PILLAI
SRI.ARJUN SREEDHAR**

RESPONDENT/COMPLAINANT AND STATE:

**STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-31.**

BY PUBLIC PROSECUTOR SMT. T.Y.LALIZA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 03-12-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

sts

A.HARIPRASAD, J.

B.A.No.6933 of 2015

Dated this the 3rd day of December, 2015

ORDER

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

2. Petitioner is the accused in Crime No.630 of 2015 of Pothukallu Police Station. The crime against him is registered under Sections 342 and 376 of the Indian Penal Code.

3. Prosecution case is that on 22.09.2015 at about 10.00 a.m., he committed rape on a lady who is his neighbour. It is also submitted that the victim is having slight mental retardation.

4. Heard both sides.

5. Learned Public Prosecutor opposed the bail application. It is seen that statement of the victim has been recorded by the Magistrate in accordance with law.

6. Considering the nature of allegations and the fact that they are neighbours and also the fact that he is in custody from 03.10.2015 onwards, I am inclined to grant bail to the petitioner with the following conditions:

- (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 enter the local limits of Pothukallu Police Station until final report is filed except for the purpose of reporting to the Investigating Officer or attending the court.

- (e) The petitioner shall not intimidate or attempt to influence the witnesses.
- (f) The petitioner shall not in any manner interfere or meddle with the investigation.
- (g) 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