

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

**THE HONOURABLE MR. JUSTICE A.HARIPRASAD**

**MONDAY, THE 16TH DAY OF NOVEMBER 2015/25TH KARTHIKA, 1937**

**Bail Appl..No. 6955 of 2015**  
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**CRIME NO. 325/2015 OF ADHUR POLICE STATION, KASARAGOD.**  
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**PETITIONER(S)/ACCUSED NO. 1 & 2:**  
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- 1. GAFOOR, AGED 45 YEARS,  
S/O.MOIDEEN, BERKA QUARTERS,  
CHENGALA, KASARAGOD.**
- 2. SHAHIDA, AGED 35 YEARS,  
W/O.GAFOOR, RESIDING AT DO**

**BY ADV. SRI.T.G.RAJENDRAN**

**RESPONDENT/COMPLAINANT/STATE:**  
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- 1. THE SUB INSPECTOR OF POLICE,  
ADHUR POLICE STATION, KASARAGOD - 671 121.**
- 2. STATE OF KERALA,  
REP. BY PUBLIC PROSECUTOR,  
HIGH COURT OF KERALA, ERNAKULAM - 682 031.**

**BY PUBLIC PROSECUTOR SMT.T.Y.LALIZA**

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION  
ON 16-11-2015, THE COURT ON THE SAME DAY PASSED THE  
FOLLOWING:**

**mbr/**

**A.HARIPRASAD, J.**

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**B.A No.6955 of 2015**  
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**Dated this the 16<sup>th</sup> day of November, 2015.**

**ORDER**

Application for pre-arrest bail under Section 438 Cr.P.C.

2. Petitioners are accused in Crime No.325 of 2015 of Adhur Police Station registered for offences punishable under Sections 498(A), 406 and 376(2)(i) r/w Section 34 I.P.C and Sections 3 and 4 of Protection of Children from Sexual Offence Act.

3. First petitioner is the husband of the defacto complainant. Second petitioner is the second wife of the first petitioner. Third accused, who is said to be a mentally retarded person is the son of the second accused. However, he is not a petitioner in this case. The offences under Section 376 I.P.C and Sections 3 and 4 of Protection of Children from Sexual Offence Act are registered against the other accused person.

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

5. Considering the nature of allegations, I find that bail can

be granted to the petitioners with following directions :

1. Petitioners shall surrender before the investigating officer within a period of two weeks from today and submit themselves for interrogation. In that event, they shall be released on bail on executing a bond for Rs.25,000/- each (Rupees twenty five thousand only) with two solvent sureties each for the like sum to the satisfaction of the Investigating Officer.
2. The sureties shall produce documents to establish their identity and solvency. The Investigating Officer need not insist on the solvency certificate, but other documents can also be perused to find out whether the sureties are solvent or not.
3. Petitioners shall appear before the Investigating Officer as and when directed.
4. Petitioners shall not influence or intimidate witnesses.
5. If any of the above conditions is violated by the petitioners, the learned Magistrate having jurisdiction is free to cancel the bail.

**Sd/-  
A.HARIPRASAD,  
JUDGE.**

**//True copy//**

**P.A to Judge**