

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. 7134 of 2015 ()

**CRIME NO. 1426/2015 OF NEYYATTINKARA POLICE STATION,
THIRUVANANTHAPURAM**

PETITIONER/2ND ACCUSED :

**AJITH @ CHETTAN VAVA
S/O.ANTONY, AGED 32 YEARS
CHIRAYIL VEEDU, THANNIMOODU
KOZHODE, THIRUVANANTHAPURAM.**

BY ADV. SRI.G.SUDHEER

RESPONDENT/COMPLAINANT :

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

BY PUBLIC PROSECUTOR SMT. R. REMA

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

Mn

A. HARIPRASAD, J.

Bail Appl. No.7134 of 2015

Dated this the 16th day of November 2015

ORDER

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

2. Petitioner is the 2nd accused in Crime No.1426 of 2015 of Neyyanttinkara Police station registered for the offences punishable under Secs.323, 376, 376(D), 506(i) of the Indian Penal Code, Sec.3 read with Sec.4 of the Protection of Children from Sexual Offences Act and Sec.3(1)(xi) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act. Prosecution case is that the 1st accused with an intention to have sexual intercourse with the defacto complainant, who belongs to a scheduled caste community, pretended love to her and promised to marry her. The 1st accused enticed her and subjected her to sexual intercourse on various dates. Thereafter, he manhandled the defacto complainant and extracted an amount of Rs.25,000/- (Rupees twenty five thousand only) from her. The 1st accused also persuaded the victim to have sexual

intercourse with the 2nd accused and the petitioner ravished her.

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

4. Learned counsel for the petitioner submitted that the petitioner is in custody from 08.09.2015 onwards and he may be granted bail.

5. Learned Public Prosecutor opposed the bail application. It is submitted that some more accused are yet to be arrested. There is no case for the prosecution that the petitioner is involved in any other case earlier.

Considering the nature of allegations and the fact that investigation in respect of this petitioner has advanced to a considerable extent, bail is granted to him 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 Sessions 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 petitioner 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 petitioner shall surrender his passport before the lower court concerned or if he do not have the same, file an affidavit to that effect.

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 Sessions Judge is empowered to cancel the bail in accordance with law without referring the matter to this Court.

Sd/-
A. HARIPRASAD
JUDGE

/ True Copy /

NS/16/11/2015

P.A. To Judge