

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

FRIDAY, THE 20TH DAY OF NOVEMBER 2015/29TH KARTHIKA, 1937

Bail Appl..No. 7156 of 2015 ()

CRIME NO. 988/2014 OF CHENGANNUR POLICE STATION, ALAPPUZHA DISTRICT

PETITIONER/1ST ACCUSED :

**BIJU
AGED 32 YEARS, S/O.RAJAPPAN,
BAIJU BHAVAN, KARAKKADU MURI
MULAKKUZHA VILLAGE P.O.**

BY ADV. SMT.ASHA ELIZABETH MATHEW

RESPONDENT/COMPLAINANT :

**STATE OF KERALA
REP. BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM P.O.-682 031.**

BY SR. PUBLIC PROSECUTOR SRI. SHIBU JOSEPH

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 20-11-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

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A.HARIPRASAD, J.

B.A. No.7156 of 2015

Dated this the 20th day of November, 2015

ORDER

Application for bail under Section 439 of the Code of Criminal Procedure.

2. Petitioner is the first accused in Crime No.988 of 2014 of Chengannur Police Station registered for offences punishable under Section 376 of the Indian Penal Code and Section 3(2)(v) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989. He seeks bail.

3. Prosecution case is that the petitioner belonging to Hindu Ezhava community pretended love to the defacto complainant belonging to the Hindu Pulaya community, a member of Scheduled Caste, and promised to marry her. He thereby obtained consent for sexual intercourse with her during 2009 to 2012. Thereafter he married another lady on 11.03.2014. Second accused is the mother of the first accused.

4. Heard both sides.

5. Learned counsel for the petitioner submitted that the petitioner is in custody from 30.10.2015 onwards.

6. Learned Prosecutor opposed the bail application.

Considering the stage of investigation and the fact that the petitioner is a person working abroad, bail is granted to the petitioner with following conditions:

i. Petitioner shall be released on bail on executing a bond for ₹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 produce documents to establish their identity and solvency. The lower court need not insist on the solvency certificate, but other documents can also be perused to find out whether the sureties are solvent or not.

iii. Petitioner shall appear before the Investigating Officer on all Saturdays between 9.00 and 10.00 a.m until final report is filed.

iv. He shall surrender his passport before the learned Magistrate forthwith. If the petitioner wants to get release of the passport, the court below shall pass appropriate orders on his application in that matter.

v. He shall not indulge in any offence while on bail.

vi. He shall not influence or intimidate the witnesses or meddle with the investigation in any manner.

If any of the above conditions is breached by the

petitioner, the lower court concerned is free to cancel bail without referring the matter to this Court.

A. HARIPRASAD, JUDGE.

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