

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

TUESDAY, THE 1ST DAY OF DECEMBER 2015/10TH AGRAHAYANA, 1937

Bail Appl..No. 7275 of 2015 ()

CRIME NO. 1917/2015 OF MUVATTUPUZHA POLICE STATION, ERNAKULAM DISTRICT

PETITIONER/ACCUSED:

**RAFEEL, AGED 31 YEARS
S/O.HAMSA, ANJILIKKADAVATH HOUSE, P.O.KARUMATHRA
KARUMATHRA DESOM, ATTOOR VILLAGE, THALAPPILLY TALUK
THRISSUR DISTRICT.**

**BY ADVS.SRI.P.G.SURESH
SRI.RAJAN VISHNURAJ
SRI.G.SUDHEER (THURAVOOR)
SRI.V.HARISH**

RESPONDENT/COMPLAINANT :

**STATE OF KERALA
REPRESENTED BY SUB INSPECTOR OF POLICE
MUVATTUPUZHA POLICE STATION
THROUGH THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA
ERNAKULAM - 682 031.**

BY PUBLIC PROSECUTOR SMT. LALIZA T.Y.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 01-12-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Mn

A.HARIPRASAD, J.

B.A. No.7275 of 2015

Dated this the 1st day of December, 2015

ORDER

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

2. Petitioner is the accused in Muvattupuzha Police Station Crime No.1917 of 2015 registered for an offence punishable under Sections 376 of the Indian Penal Code. He seeks bail.

3. Prosecution case, in short, is that the petitioner promised to marry the defacto complainant, a lady aged 27 years, and he had physical relationship with the defacto complainant. After sometime, he refused to marry her and thereby committed the offence of rape.

4. Heard both sides.

5. Learned counsel for the petitioner submitted that the petitioner is in custody from 12.11.2015 onwards.

6. Learned Prosecutor submitted that the investigation has advanced to a considerable extent.

Considering the facts and circumstances 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 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 10.00 and 11.00 a.m until final report is filed.

iv. Petitioner shall not indulge in any offence while on bail.

v. 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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