

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

FRIDAY, THE 27TH DAY OF NOVEMBER 2015/6TH AGRAHAYANA, 1937

Bail Appl..No. 7399 of 2015

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

PETITIONER(S)/(ACCUSED NO.3 AND 4):

- 1. RAJESH, AGED 30 YEARS,
S/O MR.THANKARAJ, MANNARAKANDAM,
CHARUVILA PUTHEN VEEDU, KATTACHALKUZHAY P.O.,
KOTTUKALKONAM VILLAGE.**
- 2. BAIJU @ BIJU, AGED 25 YEARS,
S/O.MR.BABU, BAIJU BHAVAN, KATTACHALKUZHAY P.O.,
KOTTUKALKONAM VILLAGE.**

**BY ADVS.SRI.BIJU .C. ABRAHAM
SRI.V.J.JAYAKUMAR ABRAHAM**

RESPONDENT(S)/STATE:

**STATE OF KERALA,
THROUGH THE CIRCLE INSPECTOR OF POLICE,
NEYYATTINKARA POLICE STATION,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**

BY PUBLIC PROSECUTOR SMT.T.Y.LALIZA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
27-11-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

msv/

A.HARIPRASAD, J.

B.A. No.7399 of 2015

Dated this the 27th day of November, 2015

ORDER

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

2. Petitioners are accused 3 and 4 in Crime No.1426 of 2015 of Neyyattinkara Police Station registered for offences punishable under Sections 323, 376, 376D and 506(i) of the Indian Penal Code and Section 3 read with Section 4 of the Protection of Children from Sexual Offences Act, 2012. They seek bail.

3. It is alleged that the first accused fell in love with the defacto complainant who is a minor. He continuously assaulted the victim sexually and misappropriated money. Petitioners also committed rape on the victim and thereby they are guilty of gang rape.

4. Heard both sides.

5. Learned counsel for the petitioners submitted that the petitioners are in custody from 08.09.2015 onwards. It is also submitted that a co-accused in this case has been released on bail.

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

Considering the nature of allegations and the fact that the investigation has advanced to a considerable extent, bail is granted to the

petitioners with following conditions:

i. Petitioners shall be released on bail on each one of them executing a bond for ₹50,000/- (Rupees fifty only) with two solvent sureties each for the like sum to the satisfaction of the learned Special Judge 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. Petitioners shall appear before the Investigating Officer on all Mondays and Thursdays between 10.00 and 11.00 a.m until final report is filed.

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

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

A. HARIPRASAD, JUDGE.

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