

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. 7436 of 2015

CRIME NO. 533/2015 OF MANJESHWAR POLICE STATION, KASARGOD.
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PETITIONER/ACCUSED:

**SURESH, AGED 34 YEARS,
S/O.NARAYANA, MANIMUNDA HOUSE,
UPPALA P.O, MANJESHWAR TALUK,
KASARAGOD DISTRICT.**

**BY ADVS.SRI.K.PRAVEEN KUMAR
SMT.ANN SUSAN GEORGE**

RESPONDENT(S)/COMPLAINANT/STATE:

- 1. THE SUB INSPECTOR OF POLICE,
MANJESHWAR POLICE STATION-673 121.**
- 2. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682031.**

BY SENIOR PUBLIC PROSECUTOR SRI.N.SURESH

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

mbr/

A.HARIPRASAD, J.

B.A. No.7436 of 2015

Dated this the 27th day of November, 2015

ORDER

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

2. Petitioner is the accused in Crime No.533 of 2015 of Manjeshwar Police Station registered for offences punishable under Sections 450 and 376(2)(i), (l) and (n) of the Indian Penal Code and Section 5(k),(l) and (p) read with Section 6 of the Protection of Children from Sexual Offences Act, 2012. He seeks bail.

3. Allegation is that on 09.09.2015 and 22.09.2015, the accused trespassed into the house of the victim and committed rape on her. The important aspect to be noticed is that the victim is a deaf and dumb girl aged 15 years.

4. Heard both sides.

5. Learned Prosecutor opposed the bail application. He submitted that the petitioner was arrested on 12.10.2015 and he brutally ravished the mute girl on two occasions.

6. Learned counsel for the petitioner submitted that this is a false case foisted on him on account of the ill-will of victim's father towards him.

I have perused the case diary. There are materials prima facie showing the involvement of the accused in the crime. Considering the fact he is in custody from 12.10.2015 onwards, bail is granted to the petitioner with following conditions:

i. Petitioner shall be released on bail on executing a bond for ₹1,00,000/- (Rupees one lakh 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. Petitioner 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. He 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.

vi. He shall not enter the limits of Manjeshwar Police Station for a period of three months except for the purpose of complying with the bail conditions.

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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