

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. 7479 of 2015 ()

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CRIME NO. 1239/2015 OF THIRUVALLAM POLICE STATION,
THIRUVANANTHAPURAM DISTRICT.**

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PETITIONER/ACCUSED:

**ABHILASH, AGED 22 YEARS,
S/O. RADHAKRISHNAN, RAJESH BHAVAN,
KUZHIVILAKKARA, VAZHAMUTTOM, THIRUVALLAM,
THIRUVANANTHAPURAM. (UNDER CUSTODY).**

BY ADV. SRI.V.S.THOSHIN.

RESPONDENT/COMPLAINANT:

**THE STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM,
THROUGH THE SUB INSPECTOR OF POLICE,
THIRUVALLAM, THIRUVANANTHAPURAM.**

BY PUBLIC PROSECUTOR SMT.TY. LALIZA.

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

rs.

A.HARIPRASAD, J.

B.A. No.7479 of 2015

Dated this the 1st day of December, 2015

ORDER

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

2. First accused in Crime No.1239 of 2015 of Thiruvallam Police Station registered for offences punishable under Sections 376(1) and 313 read with Section 34 of the Indian Penal Code and Section 5(1) read with Section 6 of the Protection of Children from Sexual Offences Act, 2012 seeks bail.

3. Prosecution case is that the petitioner married a girl aged 17 ½ years and had sex with her. She became pregnant. The other accused persons administered some medicine to the defacto complainant and fetus was aborted.

4. Heard both sides.

5. Learned counsel for the petitioner submitted that the petitioner is in custody from 11.09.2015 onwards.

The investigation has advanced to a considerable extent. Statement of the victim under Section 164 of the Code of Criminal Procedure has been recorded. Hence 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 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 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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