

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.P.JYOTHINDRANATH

TUESDAY, THE 29TH DAY OF DECEMBER 2015/8TH POUSHA, 1937

Bail Appl..No. 7656 of 2015 ()

CRIME NO. 1418/2015 OF KILIMANOOR POLICE STATION, THIRUVANANTHAPURAM

PETITIONER/IST ACCUSED :

**SAIFUDEEN
S/O. BADARUDEEN, AGED 34 YEARS
SHERIF MANZIL, ALATHUKAVU
PONGANADU, KILIMANOOR VILLAGE
THIRUVANANTHAPURAM DISTRICT.**

**BY ADVS.SRI.K.SIJU
SMT.S.SEETHA**

RESPONDENT/STATE :

**STATE OF KERALA
THROUGH THE SUB INSPECTOR OF POLICE
KILIMANOOR POLICE STATION
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA AT ERNAKULAM.**

BY PUBLIC PROSECUTOR SMT. JASMINE V.H.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 29-12-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Mn

K.P. JYOTHINDRANATH, J.

B.A. No. 7656 of 2015

Dated this the 29th day of December, 2015

ORDER

This is an application filed under Section 439 of the Code of Criminal Procedure.

2. The petitioner is the 1st accused in Crime No.1418/2015 of Kilimanoor Police Station, Thiruvananthapuram. The above crime is registered for offences under Sections 452, 380 & 376 read with Section 34 of Indian Penal Code. It is submitted that the petitioner was arrested as back as on 30.10.2015.

3. Heard the learned counsel for the petitioner and the learned Public Prosecutor.

4. The learned counsel for the petitioner submitted that the investigation is at an advanced stage and further incarceration is not warranted. It is further submitted that the 2nd accused is already released on bail by this Court as per order dated 04.11.2015 in BA

No.6521/2015.

4. The learned Public Prosecutor submitted before me that in broad day time, the rape was committed. It is also submitted that ₹3,000/- was also taken away by the culprits after committing rape.

5. I have perused the case diary, which is handed over by the learned Public Prosecutor for perusal.

6. After considering the fact that the date of arrest is 30.10.2015 and further considering the fact that the 2nd accused is already released on bail by this Court as per order dated 04.11.2015 in BA No.6521/2015, it may be only just and proper to release the petitioner herein also on bail on the very same conditions.

Thus, the petitioner is granted bail on the following conditions;

(a)The petitioner shall be released on bail on his 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.

(b)The sureties shall be the persons permanently residing in the State of Kerala and shall produce documents to establish their identity and solvency.

(c)The lower court need not insist on solvency certificate. Other documents revealing the solvency of the sureties can also be relied on.

(d)The petitioner shall appear before the Investigating Officer for interrogation on all Mondays and Thursdays between 10.00 a.m and 11.00 a.m. until final report is filed.

(e)The petitioner shall not intimidate or attempt to influence the witnesses, nor shall he tamper with the evidence.

(f)The petitioner shall not involve in any other offence during the period of bail.

(g)The petitioner shall not enter the limits of Kilimanoor Police Station for a period of three months.

In case of violation of any of the above conditions,

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the learned Magistrate is empowered to cancel the bail in accordance with law without referring the matter to this Court.

Sd/-
K.P. JYOTHINDRANATH
JUDGE

bka/29.12.2015