

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

MONDAY, THE 14TH DAY OF DECEMBER 2015/23RD AGRAHAYANA, 1937

Bail Appl..No. 7763 of 2015 ()

CRIME NO. 1497/2015 OF MUSEUM POLICE STATION, THIRUVANANTHAPURAM

PETITIONER/1ST ACCUSED:

**SHIBIN GOPAN, AGED 24 YEARS
S/O. GOPAN, POLICE QUARTERS, "O" BLOCK
PALAYAM, QUARTERS NO. O-3, PALAYAM WARD
VANCHIYOOR VILLAGE**

**BY SENIOR ADVOCATE SRI.P.VIJAYA BHANU
BY ADV. SRI.R.GOPAN**

RESPONDENT/COMPLAINANT :

**STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF EKRALA, ERNAKULAM - 682 031.**

BY PUBLIC PROSECUTOR SMT. LALIZA T.Y.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 14-12-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Mn

A. HARIPRASAD, J.

Bail Appl. No.7763 of 2015

Dated this the 14th day of December 2015

O R D E R

Bail application filed under Sec.439 Cr.P.C.

2. Petitioner is the 1st accused in Crime No.1497 of 2015 of Museum Police station registered for the offences punishable under Secs.376 and 506(i) of the Indian Penal Code and Sec.66E of the Information Technology Act. The prosecution allegation is that, the accused committed rape on the defacto complainant, recorded her nude videos and threatened to upload the same in the Internet. The petitioner is in custody from 27.11.2015 onwards.

3. Heard the learned Senior Counsel for the petitioner and the learned Public Prosecutor.

4. Learned Senior Counsel for the petitioner submitted that the defacto complainant herself, on many occasions, had gone in jail to visit the accused. Documents are also produced to fortify this submission.

5. Learned Public Prosecutor opposed the bail

application. It is submitted that the investigation has advanced but, statement of the victim under Sec.164 Cr.P.C. has to be recorded.

6. As in the case of an offence under the Prevention of Children from Sexual Offences Act, the victim being 23 year old, it cannot be taken as a mandatory condition. Considering the nature of allegations and the stage of investigation, I am inclined to grant bail to the petitioner with the following strict conditions.

i. The petitioner shall be released on bail on his executing a bond for Rs.1,00,000/- (Rupees one lakh only) with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate having jurisdiction.

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

iii. The lower Court need not insist on solvency certificate. Other documents revealing the solvency of the sureties can also be relied on.

iv. 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.

v. The petitioner shall surrender his passport before the lower court concerned or if he does not have the same, file an affidavit to that effect.

vi. The petitioner shall not leave the State of Kerala without obtaining permission from the learned Magistrate having jurisdiction.

vii. The petitioner shall not intimidate or attempt to influence the witnesses, nor shall he tamper with the

evidence.

viii. The petitioner shall not involve
in any other offence during the period of
bail.

In case of violation of any of the above
conditions, the learned Magistrate is empowered to
cancel the bail in accordance with law without referring
the matter to this Court.

Sd/-
A. HARIPRASAD
JUDGE

/ True Copy /

NS/14/12/2015

P.A. To Judge