

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

TUESDAY, THE 8TH DAY OF DECEMBER 2015/17TH AGRAHAYANA, 1937

Bail Appl..No. 7803 of 2015 ()

**CRIME NO. 24/2015 OF S.M.S. KASARAGOD POLICE STATION, KASARAGOD DISTRICT
NOW PENDING AS SC NO. 460/2015 OF PRINCIPAL SESSION'S COURT, KASARAGOD**

PETITIONER/ACCUSED :

**VARGHESE IDICULA, AGED 43 YEARS
S/O. IDICULA, R/AT SANKARAMANGALATH HOUSE
CHERUKULINI, PATHANAMTHITTA
NOW R/AT UDAYAGIRI QUARTERS, VIDYANAGAR P.O.
MUTTATHODY VILLAGE, KASARAGOD DIST.**

BY ADV. SRI. S. JIJI

RESPONDENT/STATE :

**STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM.**

BY SR. PUBLIC PROSECUTOR SRI. SHIBU JOSEPH

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 08-12-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Mn

A.HARIPRASAD, J.

B.A.No.7803 of 2015

Dated this the 8th day of December, 2015

ORDER

Application filed under Section 439 of the Code of Criminal Procedure.

2. Petitioner is the accused in Crime No.24 of 2015 of S.M.S. Kasaragod Police Station registered for the offences punishable under Sections 366, 376 and 420 of the Indian Penal Code and Section 3(2)(v) of S.C/S.T.(P.A.) Act.

3. Prosecution case is that the petitioner committed rape on a blind woman belonging to SC community on 29.05.2015. She was taken to Calicut and other places and committed the sexual offence. Further, he obtained ₹70,000/- from the defacto complainant and thereby, cheated her.

4. Heard both sides.

5. Learned Public Prosecutor opposed the bail application. Petitioner is in custody from 11.06.2015. After

closing the investigation, charge has been filed on 17.08.2015. The case was committed to the court of Sessions, Kasaragod and pending as S.C.No.460 of 2015 before the Principal Sessions Court, Kasaragod. Learned Principal Sessions Judge considered his bail application and dismissed it on 23.09.2015, i.e., after filing the charge.

6. Learned counsel for the petitioner submitted that his continued detention will cause prejudice to him as there is no likelihood of trying the case in the near future. The petitioner belongs to Pathanamthitta District.

7. Considering the nature of the allegations and the stage of the matter, I am inclined to grant bail to the petitioner with the following conditions:

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

- (b) The sureties shall produce documents to establish their identity and solvency. The lower court need not insist on solvency certificate, but other documents can also be perused to find out whether the sureties are solvent or not.
- (c) The sureties shall be the persons permanently residing in the State of Kerala.
- (d) The petitioner shall appear before the trial court without fail on all posting dates.
- (e) The petitioner shall not enter the limits of Kasaragod District till trial is over, except for the purpose of attending the court.
- (f) The petitioner shall not intimidate or attempt to influence the witnesses.
- (g) The petitioner shall not in any manner interfere or meddle with the investigation.
- (h) The petitioner shall not, during the period of this bail get involved in any offence.

In case any of the above conditions is violated, bail granted hereby is liable to be cancelled for which the investigating officer may move application before the jurisdictional magistrate.

Sd/-
A.HARIPRASAD, JUDGE.

AS

/True Copy/

P.A. To Judge