

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

TUESDAY, THE 15TH DAY OF DECEMBER 2015/24TH AGRAHAYANA, 1937

Bail Appl..No. 7875 of 2015

CRIME NO. 3552/2015 OF ALUVA EAST POLICE STATION , ERNAKULAM DISTRICT

PETITIONER(S)/ACCUSED :

**ASHIK @ ASHIF K.M. @ PONNU, AGED 24 YEARS,
S/O. MUSHTAFA, KOZHIMANNIL HOUSE, PATTALOORPADY COLONY,
ALANALLOOR KARA, ALANALLOOR VILLAGE, MANNARKAD TALUK,
PALAKKAD DISTRICT.**

BY ADV. SRI.DINESH MATHEW J.MURICKEN

RESPONDENT(S)/COMPLAINANT :

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

BY PUBLIC PROSECUTOR SMT.TY.LALIZA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 15-12-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

Msd.

A.HARIPRASAD, J.

B.A. No.7875 of 2015

Dated this the 15th day of December, 2015

ORDER

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

2. Accused in Aluva East Police Station Crime No.3552 of 2015 registered for an offence punishable under Section 376 of the Indian Penal Code is the petitioner. He seeks bail.

3. It is alleged that on 03.10.2015 at about 1.30 a.m., petitioner entered the work area of a house where the defacto complainant along with other children in SOS Village, Edathala was residing. Thereafter he committed rape on the defacto complainant.

4. Heard both sides.

5. Learned Prosecutor submitted that the report shows the mild mental retardation of the defacto complainant.

6. Learned counsel for the petitioner submitted that the petitioner is in custody from 27.10.2015 onwards.

Considering the fact that the investigation has advanced to a reckonable extent, 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 thousand only) with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate 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. 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.

vi. He shall not enter the limits of Aluva East 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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