

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. 7879 of 2015 ()

**CRIME NO. 875/2015 OF NEYYARDAM POLICE STATION ,
THIRUVANANTHAPURAM DISTRICT**

PETITIONER/IST ACCUSED:

**MUHAMMED SIYAVUL HAKK @ HAKK,
S/O. JAMALUDEEN, M.K. HOUSE, MANKUDI,
KOTOOR, MANOORKARA VILLAGE.**

BY ADV. SRI.M.R.SASITH

RESPONDENT(S):

- 1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM. PIN-682 031**
- 2. THE SUB INSPECTOR OF POLICE, KATTAKADA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM. PIN-682 031**

BY ADDL.DGP SRI. TOM JOSE PADINJAREKARA

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

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A.HARIPRASAD, J.

B.A. No.7879 of 2015

Dated this the 15th day of December, 2015

ORDER

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

2. First accused in Crime No.875 of 2015 of Nayyardam Police Station registered for offences punishable under Sections 341, 352, 447, 506(i) and 511 of 376 read with Section 34 of the Indian Penal Code and Sections 3(1)(x), (xi) and (xv) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act is the petitioner. He seeks bail.

3. Allegation is that on 05.11.2015 at 8.30 p.m., petitioner went to the house of the defacto complainant in search of her husband. When she told that her husband had gone out, he dragged her to the backside of the house and tried to commit rape on her. She managed to get out of the clutches of the accused and by the time, her husband came. On seeing her husband petitioner went away is the allegation.

4. Heard both sides.

5. Learned counsel for the petitioner submitted that there is a monetary dispute between the petitioner and the husband of the defacto complainant. This dispute has given a different colour is the defence case.

After hearing counsel on both sides and also considering the

fact that the petitioner is in custody from 15.11.2015 onwards, I am inclined to grant bail to him 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.

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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