

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE BABU MATHEW P.JOSEPH

MONDAY, THE 22ND DAY OF JUNE 2015/1ST ASHADHA, 1937

Bail Appl..No. 8917 of 2014 (D)

CRIME NO. 261/2007 OF CHAKKARAKKAD POLICE STATION , KANNUR

PETITIONER/ACCUSED:

SIDHIK V.V., AGED 36 YEARS
S/O.ABDULLA, VADAKKE VALAPPIL HOUSE, VALIYANNOOR AMSOM
VARAM KADAVU, KANNUR DIST

BY ADVS. SRI.M.R.VENUGOPAL
SMT.DHANYA P.ASHOKAN

RESPONDENT/COMPLAINANT:

1. STATE OF KERALA
REP BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA
ERNAKULAM-PIN-682031

2. THE STATION HOUSE OFFICER
CHAKKARAKKAL POLICE STATION, KANNUR 1

BY PUBLIC PROSECUTOR SMT.M.G.LISHA

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
22-06-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

BABU MATHEW P. JOSEPH, J.

B. A. No.8917 of 2014

Dated this the 22nd day of June, 2015

ORDER

This petition is filed under Section 438 of Cr.P.C for anticipatory bail.

2. Heard the learned counsel appearing for the petitioner and the learned Public Prosecutor appearing for the respondents. C.D. produced.

3. The petitioner is the accused in Crime No.261 of 2007 of Chakkarakkal Police Station. The offence alleged is under Section 376 of IPC. The allegation is that the petitioner committed rape on the de facto complainant on 26-11-2007 at her residence and thereafter till 07-12-2007 at a lodge. Learned counsel for the petitioner submits that the petitioner is innocent of the allegations raised against him. He is employed abroad. The case registered against the petitioner has been investigated by the police and the Final Report has been filed before the Chief Judicial Magistrate's

Court, Thalassery. Since the appearance of the petitioner could not be secured for long, the court included the case in the Long Pending Register and numbered it as L.P. No.14 of 2011. The disputes between the petitioner and the de facto complainant in this case has been amicably settled between them as evident from Annexure-1 document. In the light of the recitals made in Annexure-1, the de facto complainant does not want to proceed with the matter before a court of law against the petitioner. The petitioner has no criminal antecedents. If the petitioner comes back, there is every chance of him being arrested by the police in this case. Therefore, she prays for granting anticipatory bail to the petitioner.

4. Learned Public Prosecutor has opposed this petition. She submits that the investigation was over and the Final Report was filed before the court and the case has already been entered in the L.P. Register as L.P. No.14 of 2011. She further submits that no criminal antecedents have been reported against the petitioner. On considering the facts and

circumstances, stage of the matter, settlement arrived at between the parties as evident from Annexure-1, this Court is of the view that this petition can be disposed of with the following directions:

5. The petitioner shall surrender before the Chief Judicial Magistrate's Court, Thalassery on or before 10-07-2015. If the petitioner submits an application for bail which shall be disposed of by the Chief Judicial Magistrate by granting him bail imposing appropriate conditions.

This petition is disposed of as above.

Sd/-
BABU MATHEW P. JOSEPH
JUDGE

kns/-

//TRUE COPY//

P.A. TO JUDGE