

Kerala High Court

Suresh vs State Of Kerala Rep. By Public on 10 November, 2009

IN THE HIGH COURT OF KERALA AT ERNAKULAM

Bail Appl..No. 6401 of 2009()

1. SURESH, S/O.GOPALAN,
... Petitioner

Vs

1. STATE OF KERALA REP. BY PUBLIC
... Respondent

For Petitioner :SRI.T.A.UNNIKRISHNAN

For Respondent :PUBLIC PROSECUTOR

The Hon'ble MR. Justice K.T.SANKARAN

Dated :10/11/2009

O R D E R

K.T.SANKARAN, J.

B.A.No.6401 of 2009

Dated this the 10th day of November, 2009

ORDER

This is an application for bail under Section 439 of the Code of Criminal Procedure. The petitioner is the sole accused in Crime No.421 of 2009 of Peerumedu Police Station.

2. The offence alleged against the petitioner is under Section 376 of the Indian Penal Code.

3. The prosecution case is that on 12.10.2009, the accused took the defacto complainant in a jeep to a hilly area and committed rape on her. The victim was examined by the doctor on 15.10.2009. She had a different story to tell before the Medical Officer apart from the incident on 12.10.2009.

4. The petitioner was arrested on 15.10.2009 and he was remanded to judicial custody.
5. Heard the learned counsel for the petitioner and the learned Public Prosecutor. I have also perused the case diary.
6. Taking into account the facts and circumstances of the case, the duration of the judicial custody undergone by the petitioner, the nature of the offence and the present stage of investigation, I am of the view that bail can be granted to the petitioner.

The petitioner shall be released on bail on his executing bond for Rs.25,000/- with two solvent sureties for the like amount to the satisfaction of the Judicial Magistrate of the First Class-I, Peerumedu, subject to the following conditions:

- a) The petitioner shall report before the investigating officer between 9 A.M. and 11 A.M. on every Monday and Thursday for a period of two months and thereafter, on every Monday, till the final report is filed or until further orders;
 - b) The petitioner shall appear before the investigating officer for interrogation as and when required;
 - c) The petitioner shall not try to influence the prosecution witnesses or tamper with the evidence;
 - d) The petitioner shall not commit any offence or indulge in any prejudicial activity while on bail;
 - e) In case of breach of any of the conditions mentioned above, the bail shall be liable to be cancelled.
- The Bail Application is allowed as above.

K.T.SANKARAN, JUDGE csl