

Kerala High Court

Sajith vs The State Of Kerala on 4 November, 2008

IN THE HIGH COURT OF KERALA AT ERNAKULAM

Bail Appl..No. 6564 of 2008()

1. SAJITH, AGED 24 YEARS, S/O.SAMUVEL,
... Petitioner

Vs

1. THE STATE OF KERALA,
... Respondent

For Petitioner :SRI.S.SHANAVASKHAN

For Respondent :PUBLIC PROSECUTOR

The Hon'ble MRS. Justice K.HEMA

Dated :04/11/2008

O R D E R

K.HEMA, J.

B.A.No.6564 of 2008

Dated this the 4th November, 2008

O R D E R

This petition is for bail.

2. The alleged offences are under Sections 376 IPC and 3(1)(XI) of SC/ST PA Act. According to prosecution, on 15.4.2008, at about 8 p.m., petitioner committed rape on the defacto complainant from a lab of a hospital. She became pregnant thereby. The complaint was lodged on 6.10.2008.

3. Petitioner was arrested on 6.10.2008. Learned counsel for petitioner, Mrs.Indu, submitted that petitioner is working as an autorickshaw driver and defacto complainant was working as a Laboratory Assistant in the hospital. She is aged 22 years and the place of occurrence is a lab and

other staffs are working in the hospital and she has not made any hue and cry or resisted the alleged act. The case set up is absolutely false and petitioner is innocent of the allegations made, it is submitted.

4. Learned counsel for petitioner also submitted that petitioner is even prepared to undergo DNA test and prove his innocence, if the defacto complainant takes any step for conduct of DNA test. If the paternity is proved against petitioner, by DNA test, he is even prepared to pay maintenance to the child, but, he asserts that he has not committed any offence, it is submitted. These submissions are recorded.

5. Learned public prosecutor submitted that in the light of the submissions made, he has no objection in granting bail by imposing stringent conditions.

On hearing both sides, I am satisfied that petitioner can be granted bail on conditions and the following order is passed:

(i) Petitioner shall execute a bond for Rs.25,000/- with two solvent sureties each for the like sum to the satisfaction of the Magistrate Court concerned.

(ii) Petitioner shall report before the Investigating Officer on every Monday, Wednesday and Saturday between 10 a.m. to 1 p.m. until further orders.

(iii) Petitioner shall not influence or intimidate any witness or commit any offence while on bail and in case of breach of this condition, bail is liable to be cancelled.

The petition is allowed.

K.HEMA, JUDGE csl