

Rossy Vs. B.Mohammed

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Court : Kerala

Decided On : Nov-29-2013

Judge : Honourable Mr.Justice S.Siri Jagan

Appellant : Rossy

Respondent : B.Mohammed

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE THOMAS P.JOSEPH FRIDAY, THE 29TH DAY OF NOVEMBER 2013 8TH AGRAHAYANA, 1935 Bail Appl..No. 7830 of 2013 () ----- CRIME NO. 1436/2013 OF KULATHUPUZHA POLICE STATION , KULATHUPUZHA KOLLAM DISTRICT. PETITIONER/ACCUSED: ----- DEEPU SHAN, AGED 30 YEARS, S/O.SHAJAHAN, ELAKKARA PUTHEN VEEDU, MARTHANDANKARA THINKALKARIKKAM VILLAGE, KULATHUPUZHA. BY ADV. SRI.R.KRISHNAKUMAR (CHERTHALA) RESPONDENT/COMPLAINANT: ----- STATE OF KERALA REPRESENTED BY SUB INSPECTOR OF POLICE KULATHUPUZHA POLICE STATION, KULATHUPUZHA KOLLAM DISTRICT.[CRIME NO.1436/2013] REP. BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA ERNAKULAM. BY PUBLIC PROSECUTOR SRI.C.RASHEED THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 29/11-2013, ALONG WITH BA. 7831 OF 2013 THE COURT ON THE SAME DAY PASSED THE FOLLOWING: tss THOMAS P. JOSEPH, J

----- Dated this the 29th day of November, 2013

ORDER

These application is preferred by the petitioner, accused in Crime Nos.1436 of 2013 and 1369 of 2013 respectively, of the Kulathupuzha Police Station and has sought regular bail having been custody from 03-10-2013.

2. In Crime No.1436 of 2013 the petitioner is alleged to have committed offence under Section 376 of the Indian Penal Code. Allegation is that he committed rape on the sister- in-law of the defacto complainant (who is the 3rd accused in Crime No.1369 of 2013) on 23-12-2013 at about 11.30 p.m. In Crime No.1369 of 2013 the offences alleged are under Sections 109, 318, 302 r/w Section 34 of the Indian Penal Code. Allegation is that the second accused had illicit connection with the petitioner, the second accused conceived and delivered a child and the petitioner and other accused, in furtherance of their common intention caused death of the child.

3. Learned Public Prosecutor, while opposing the application has submitted that investigation of the case is not B.A.No.7830 & 7831 of 2013 2 completed.

4. Learned counsel submits that the petitioner is in custody from 03-10-2013 in Crime No.1369 of 2013 and that his arrest was recorded in Crime No.1436 of 2013 on 30-10- 2013. It is submitted that the first accused in Crime No.1369 of 2013 has already been granted bail.

5. Having heard both sides, I am inclined to think that further detention of the petitioner is not required for investigation of the case. Hence, I am inclined to grant bail but subject to conditions. Resultantly, these application are allowed as under: Petitioner is granted bail in Crime Nos.1436 of 2013 and 1369 of 2013 of the Kulathupuzha Police Station and shall be released, if not required to be detained otherwise on his executing bond for Rs.25,000/- (Rupees twenty five thousand only) each with three sureties each for the like sum each to the satisfaction of the learned magistrate and subject to the following conditions: a) Bail bond shall be executed within three weeks from this day. B.A.No.7830 & 7831 of 2013 3 b) One

of the sureties whether or not she has landed properties, shall be the wife of the petitioner. c) Petitioner shall report to the officer investigating the case on every Saturday between 10 a.m and 12 p.m until filing of the final report. d) Petitioner shall report to the officer investigating the case as and when required for interrogation. e) Petitioner shall not go beyond the Kollam district until otherwise ordered and except with the permission to the jurisdictional magistrate (until committal of the case if any, and thereafter, of the learned Principle Sessions Judge, Kollam). f) Petitioner shall not, during the period of this bail get involved in any offence. g) Petitioner shall co-operate with investigating of the case. h) Petitioner shall not intimidate/influence the witnesses. i) In case any of condition Nos.(c) to (h) is violated, bail granted hereby is liable to be cancelled for which the B.A.No.7830 & 7831 of 2013 4 investigating officer may move application before the jurisdictional magistrate (until committal of the case if any, and thereafter, before the learned Principle Sessions Judge concerned) as held in P.K.Shaji Vs. State of Kerala (AIR 2006 SC100. Sd/- THOMAS P. JOSEPH, JUDGE AS /True Copy/ P.A. to Judge

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