

Sunil Vs. the State of Kerala

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Court : Kerala

Decided On : Feb-26-2014

Judge : Honourable Mr.Justice P.R.Ramachandra Menon

Appellant : Sunil

Respondent : The State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE N.K.BALAKRISHNAN WEDNESDAY, THE 26TH DAY OF FEBRUARY 2014 7TH PHALGUNA, 1935 Bail Appl..No. 1336 of 2014 (B) ----- AGAINST THE

ORDER

IN CMP5452014 of JUDICIAL FIRST CLASS MAGISTRATE-I, SULTHANBATHERY CRIME NO. 14/2014 OF AMBALAVAYAL POLICE STATION , WAYANAD ACCUSED(S)/ACCUSED: ----- SUNIL AGED 30 YEARS, S/O. SUKUMARAN, KULATHATTA HOUSE KALLOOR, NAMBIARKUNNU POST, CHEERAL SULTHAN BATHERY, WAYANAD DISTRICT. BY ADV. SRI.A.V.JAMES COMPLAINANT(S)/RESPONDENT: ----- THE STATE OF KERALA REPRESENTED BY THE SUB INSPECTOR OF POLICE AMBALAVAYAL POLICE STATION CRIME NO. 14/2014 THROUGH THE PUBLIC PROSECUTOR HIGH COURT OF KERALA, ERNAKULAM. BY PUBLIC PROSECUTOR

SRI.SHIBU JOSEPH THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 2602-2014, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: JJJ N.K. BALAKRISHNAN, J.

----- B.A. No. 1336 of 2014 (B)
----- Dated this the 26th day of February, 2014

ORDER

The petitioner is the accused in Crime No.14/2014 of Ambalavayal Police Station, Wayanad District. Offences alleged are under sections 450 and 511 of 376 of IPC and section 3(1)(xi) of SC/ST (Prevention of Atrocities) Act. The petitioner has been in custody since 29.01.2014.

2. It is alleged that the accused is a driver of the bus. The complainant is a member of the Scheduled Caste. The accused is neither a member of the Scheduled Caste or Scheduled Tribe. It is stated that in September 2013 at about 10.00 am the accused went to the house of the defacto complainant. Her younger sister was there. When the younger sister went for washing cloths, the accused took the complainant to the room. She was undressed. The B.A. No.1336/2014 (B) -2- accused lay upon her after removing his cloths and attempted to rape her. When she made hue and cry, he left her.

3. The F.I. Statement was given on 08.01.2014. It is stated that the accused and the complainant were in love and the accused had promised to marry her. She says that delay in filing statement was caused since she believed that the accused would marry her. The complainant is stated to be aged 21 years.

4. The learned counsel for the petitioner submits that the allegations are not true.

5. Considering the period of detention already undergone by the petitioner and in view of the submission made on behalf of the petitioner that he will abide by any condition that may be imposed on him, the petitioner is granted bail with effect from 03.03.2014 subject to the following conditions: B.A. No.1336/2014 (B) -3- (i) The petitioner shall execute a bond for Rs.25,000/- (Rupees Twenty Five thousand only) with two solvent sureties each for the like sum to the satisfaction of the

learned Magistrate. If in case the Magistrate has any doubt about the genuineness or correctness of the tax receipts produced by the sureties, the learned Magistrate can insist for production of the attested photo copies of the original title deeds of the sureties. (ii) The petitioner shall make himself available for interrogation by the Investigating Officer and shall appear before the Investigating Officer on all Mondays and Fridays between 9.30 AM to 11.30 AM until further orders. (iii) The petitioner shall surrender his original passport before the learned Magistrate. If he is not having any B.A. No.1336/2014 (B) -4- valid passport, he should file an affidavit regarding the same before the Magistrate. (iv) The petitioner will also file an affidavit that he will abide by all the conditions as mentioned above and that he will not commit any offence similar to the offence involved in this case and will not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer or tamper with the evidence. (v) The petitioner shall not leave India without the prior permission of the learned Magistrate. (vi) The learned Magistrate will also ensure the identity of the sureties by insisting B.A. No.1336/2014 (B) -5- production of electoral photo identity cards/Driving licence etc. The passport will be produced and/or the affidavit mentioned earlier will be filed within 10 days from the date of release from jail. Sd/- N.K. BALAKRISHNAN, JUDGE //True Copy// P.A. to Judge jjj

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