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K.P.Aneeshkumar Vs. the State of Kerala

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SooperKanoon Citation : sooperkanoon.com/1130985

Court : Kerala

Decided On : Feb-28-2014

Judge : Honourable Mr.Justice N.K.Balakrishnan

Appellant : K.P.Aneeshkumar

Respondent : The State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE N.K.BALAKRISHNAN FRIDAY, THE28H DAY OF FEBRUARY20149TH PHALGUNA, 1935 Bail Appl..No. 1437 of 2014 ---------- CRIME NO. 37/2014 OF CHEEMENI POLICE STATION , KASARAGOD ..... PETITIONER:-:ACCUSED: ---------- K.P.ANEESHKUMAR, AGED29YEARS, S/O.BABU RAJ, RESIDING AT KALIPARAMBIL HOUSE, KUNIYATHOL, NHANDADI, KAYYUR VILLAGE, HOSDURG TALUK, KASARAGOD DISTRICT. BY ADV. SRI.T.MADHU RESPONDENT:-:COMPLAINANT: ---------- THE STATE OF KERALA, THROUGH THE STATION HOUSE OFFICER, CHEEMENI POLICE STATION, REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM - 682 031. BY PUBLIC PROSECUTOR SMT. JASMINE V.H. THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON2802-2014, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: Kss N.K. BALAKRISHNAN, J.

---------- B.A. No. 1437 of 2014 (D) ---------- Dated this the 28th day of February, 2014

ORDER

The petitioner is the accused in Crime No.37/2014 of Cheemeni Police Station, Kasaragod District. The offence alleged against him is under section 376 of IPC. The petitioner has been in custody since 20.01.2014.

2. It is stated that the petitioner raped the victim in January, 2010, promising that he will marry her. Prosecution contends that consent obtained by inducement cannot be taken as consent at all.

3. 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 subject to the following conditions: B.A. No.1437/2014 (D) -2- (i) The petitioner shall execute a bond for Rs.50,000/- (Rupees Fifty 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 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.1437/2014 (D) -3- 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 production of electoral photo identity

cards/Driving licence etc. B.A. No.1437/2014 (D) -4- 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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