

Pushpavathi A. Vs. State of Kerala

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Court : Kerala

Decided On : Mar-26-2014

Judge : Honourable Mr.Justice N.K.Balakrishnan

Appellant : Pushpavathi A.

Respondent : 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 MARCH 2014 5TH CHAITHRA, 1936 Bail Appl..No. 2113 of 2014 (D) ----- AGAINST THE

ORDER

IN CMP80242013 of JUDICIAL FIRST CLASS MAGISTRATE COURT-I, KASARAGOD DATED 30-12-2013 CRIME NO. 736/2013 OF VIDYA NAGAR POLICE STATION , KASARGOD ACCUSED(S)/PETITIONER/ACCUSED NO.I: ----- PUSHPAVATHI A. AGED 35 YEARS S/O KRISHNAKULAL, ARJUNAGULI HOUSE, MADHUR PATTILA VILLAGE, KASARAGOD TALUK, PATTILA P.O. KASARAGOD DISTRICT, PIN: 671 124. BY ADV. SRI ANOOP JOSEPH COMPLAINANT(S)/RESPONDENT/COMPLAINANT:

----- 1. STATE OF KERALA REPRESENTED BY THE PUBLIC PROSECUTOR HIGH COURT OF KERALA,

ERNAKULAM-682031.

2. SUB INSPECTOR OF POLICE VIDYA NAGAR POLICE STATION, KASARAGOD DISTRICT PIN:670 123 (NOTICE TO WHOM MAYBE SERVED ON THE PUBLIC PROSECUTOR HIGH COURT OF KERALA, ERNAKULAM) BY PUBLIC PROSECUTOR SRI. DHANESH MATHEW MANJOORAN THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 26-03-2014, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: JJJ N.K. BALAKRISHNAN, J.

----- B.A. No. 2113 of 2014 (D)
----- Dated this the 26th day of March, 2014

ORDER

The petitioner is one of the accused in Crime No.736/2013 of Vidya Nagar Police Station, Kasaragod District. Offences alleged are under sections 366A, 372, 373 and 376 r/w 149 & 34 of IPC and section 26 of Juvenile Justice Act. The petitioner has been in custody since 27.12.2013.

2. The defacto complainant is stated to be aged 19 years. The allegation is that this accused enticed the defacto complainant for illicit sexual intercourse and sold her to accused nos. 2 to 9 for that purpose after receiving consideration.

3. The learned counsel for the petitioner submits that the petitioner has been in custody since 27.12.2013.

4. Considering the period of detention already undergone by the petitioner and in view of the submission B.A. No.2113/2014 (D) -2- made on behalf of the petitioner that she will abide by any condition that may be imposed on her, the petitioner is granted bail subject to the following conditions: (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 herself 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. B.A. No.2113/2014 (D) -3- (iii) The petitioner shall surrender her original passport before the learned Magistrate. If she is not having any valid passport, she should file an affidavit regarding the same before the Magistrate. (iv) The petitioner will also file an affidavit that she will abide by all the conditions as mentioned above and that she 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. B.A. No.2113/2014 (D) -4- (vi) The learned Magistrate will also ensure the identity of the sureties by insisting 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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