

Rameshan Vs. State of Kerala

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Court : Kerala

Decided On : Apr-02-2014

Judge : Honourable Mr.Justice N.K.Balakrishnan

Appellant : Rameshan

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE N.K.BALAKRISHNAN WEDNESDAY, THE 2D DAY OF APRIL 2014 12TH CHAITHRA, 1936 Bail Appl..No. 2088 of 2014 (A) ----- CRIME NO. 105/2014 OF NEELESHWARAM POLICE STATION , KASARGOD ACCUSED(S)/PETITIONER/ACCUSED: ----- RAMESHAN AGED 36 YEARS S/O. V.KELU, CHEMBALAM HOUSE, MUNDOTTU KANJIRAMPOYIL, MADIKKAI SECOND STREET, AMBALATHUKARA KASARAGOD DISTRICT. BY ADVS.SRI.GOPAKUMAR R.THALIYAL SRI.A.CHANDRA BABU COMPLAINANT(S)/RESPONDENT/STATE/COMPLAINANT: ----- STATE OF KERALA REPRESENTED BY THE PUBLIC PROSECUTOR HIGH COURT OF KERALA, ERNAKULAM, KOCHI-682031. BY PUBLIC PROSECUTOR SRI.RAJESH VIJAYAN THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 0204-2014, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: JJJ N.K. BALAKRISHNAN, J.

----- Dated this the 2nd day of April, 2014

ORDER

The petitioner is the accused in Crime No.105/2014 of Neeleshwaram Police Station, Kasaragod District. Offences alleged are under section 376(l) of IPC, section 3 r/w 4 of POCSO Act and section 3(2)(v) of SC/ST (Prevention of Atrocities) Act.

2. The petitioner has been in custody since 03.02.2014.

3. It is alleged that the victim was taken by one Anish, a friend of the petitioner, to a house where there was nobody and from there the petitioner herein raped the victim, who is aged below 18 years. The victim is a member of the Scheduled Caste/Scheduled Tribe.

4. The learned counsel for the petitioner submits that considering the period of detention, the petitioner may be granted bail. B.A. No. 2088/2014 (A) -2- 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 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 Sessions Judge/Special Judge. If in case the Sessions Judge/Special Judge has any doubt about the genuineness or correctness of the tax receipts produced by the sureties, the learned Sessions Judge/Special Judge 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 B.A. No. 2088/2014 (A) -3- 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 Sessions Judge/Special Judge. If he is not having any valid passport, he should file an affidavit regarding the same before the Sessions Judge/Special Judge. (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. B.A. No. 2088/2014 (A) -4- (v) The petitioner shall not leave India without the prior permission of the learned Sessions Judge/Special Judge. (vi) The learned Sessions Judge/Special Judge 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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