

Aneesh Vs. State of Kerala

Aneesh Vs. State of Kerala

SooperKanoon Citation : sooperkanoon.com/1142081

Court : Kerala

Decided On : May-26-2014

Judge : Honourable Mr.Justice N.K.Balakrishnan

Appellant : Aneesh

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE N.K.BALAKRISHNAN MONDAY,THE26H DAY OF MAY20145TH JYAISHTA, 1936 Bail Appl..No. 3398 of 2014 () ----- IN CMP17352014 of J.M.F.C.-I,ATTINGAL DATED1303-2014 CRIME NO. 269/2014 OF ATTINGAL POLICE STATION , THIRUVANANTHAPURAM PETITIONER(S)/PETITIONERS/ACCUSED NOS.3 TO5:- ----- 1. ANEESH, AGED25YEARS S/O.MURALI, KATTUVILA VEEDU, KARIKKAKOMKUNNU ELAMBA VILLAGE, ATTINGAL, THIRUVANANTHAPURAM DISTRICT.

2. SUDHI, AGED25YEARS S/O.SUDHAKARAN, VILAYIL VEEDU, KARICHIYIL CHITTATTINKARA DESOM, AVANAVANCHERY VILLAGE, ATTINGAL THIRUVANANTHAPURAM DISTRICT.

3. RAHUL @ MANU, AGED 23 YEARS S/O. MOHANDAS, MADHAVAVILASOM, NEAR NAVBHARATH SCHOOL VALIYAKUNNU, CHITTATTINKARA DESOM, ATTINGAL VILLAGE ATTINGAL, THIRUVANANTHAPURAM DISTRICT. BY ADV. SRI. LATHEESH SEBASTIAN RESPONDENT(S)/RESPONDENTS/STATE & COMPLAINANT:-:

----- 1. STATE OF KERALA, REPRESENTED BY THE PUBLIC PROSECUTOR HIGH COURT OF KERALA. 682 031.

2. CIRCLE INSPECTOR OF POLICE, ATTINGAL POLICE STATION, THIRUVANANTHAPURAM 695101.

3. SUB INSPECTOR OF POLICE, ATTINGAL POLICE STATION, THIRUVANANTHAPURAM 695101. BY PUBLIC PROSECUTOR SRI. RAJESH VIJAYAN THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 26.05.2014, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:
ds N.K. BALAKRISHNAN, J.

----- B.A. No. 3398 of 2014
----- Dated this the 26th day of May, 2014

ORDER

Petitioners are A3, A4 and A5 in Crime No. 269/2014 of Attingal Police Station, Thiruvananthapuram District. Offences alleged are under sections 376D and 395 of IPC. (Section of offence shown in the petition and in the order passed by the learned Magistrate is 376(g) which may not be correct.) 2. Petitioners 1 and 2 have been in custody since 12.3.2014 and petitioner no. 3 has been in custody since 6.3.2014.

3. Allegation is that under the pretext of love the 1st petitioner enticed the defacto complainant and took her away on 18.02.2014 at about 10.20 pm in an autorikshaw. A1 informed A2 to A6 about his intention. The 1st accused stopped the autorikshaw near Valiyakunnu Hospital. A2 to B.A. No. 3398/2014 -2- A6 reached there. All of them gang raped the complainant and they also snatched her

mobile phone and currency worth Rs.2,500/-.

4. The learned Public Prosecutor has strongly opposed the petition stating that as it is a case of gang rape, the matter has to be viewed seriously. But it is stated that there is no chance of filing final report within the statutory period of 90 days.

5. Considering the period of detention already undergone by the petitioners and in view of the submission made on behalf of the petitioners that they will abide by any condition that may be imposed on them, petitioners 1 and 2 are granted bail with effect from 30.05.2014 and the 3rd petitioner is granted bail with effect from 28.05.2014 subject to the following conditions: (i) The petitioners shall execute a bond for Rs.1,00,000/- (Rupees One lakh only) each with two solvent sureties B.A. No. 3398/2014 -3- 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 petitioners shall make themselves available for interrogation by the Investigating Officer and shall appear before the Investigating Officer on all Mondays and Wednesdays between 9.30 AM to 11.30 AM until further orders. (iii) The petitioners shall surrender their original passports before the learned Magistrate. If they are not having any valid passport, they should file an affidavit regarding the same before the Magistrate. B.A. No. 3398/2014 -4- (iv) The petitioners will also file an affidavit that they will abide by all the conditions as mentioned above and that they 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 petitioners 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. Sd/- N.K. BALAKRISHNAN, JUDGE //True Copy// P.A. to Judge jjj