

Mohanraj Vs. State of Kerala

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Court : Kerala

Decided On : May-29-2014

Judge : Honourable Mr.Justice N.K.Balakrishnan

Appellant : Mohanraj

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE N.K.BALAKRISHNAN THURSDAY, THE 29TH DAY OF MAY 2014 8TH JYAISHTA, 1936 Bail Appl..No. 3671 of 2014 () ----- CRIME NO. 410/2014 OF WALAYAR POLICE STATION. PETITIONER(S): ----- 1. MOHANRAJ, AGED 24 YEARS, S/O.VELUCHAMI GOUNDER, 6TH MILE, KULATHUNADU, NATTUKAL, KOZHINJAMBARA, PALAKKAD.

2. SEKHAR, AGED 30 YEARS, S/O.RAMASWAMY, 6TH MILE, KULATHUNADU, NATTUKAL, KOZHINJAMBARA, PALAKKAD. BY ADVS.SRI.K.I.MAYANKUTTY MATHER, SRI.P.P.RAMACHANDRAN. RESPONDENT(S): ----- STATE OF KERALA, (STATION HOUSE OFFICER, WALAYAR POLICE STATION), REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM. BY PUBLIC PROSECUTOR MR.DHANESH MATHEW MANJOORAN. THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 29/05-2014, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

rs. N.K. BALAKRISHNAN, J.

----- B.A. No. 3671 of 2014
----- Dated this the 29th day of May, 2014

ORDER

Petitioners are A2 and A3 in Crime No.410/2014 of Walayar Police Station, Palakkad District. Offences alleged are under sections 366 and 376 r/w of IPC, section 23 of Juvenile Justice Act and also under section 3 r/w 4 of POCSO Act. Apprehending arrest, this petition is filed for anticipatory bail.

2. The victim girl is aged 17 years. She was in love with one Panchalingam - a conductor of the bus. He promised that he will marry the victim and accordingly he wanted the girl to accompany him leaving her house. Accordingly at 10.30 pm on 24.4.2014 she went out and accompanied A1. It is alleged that the petitioners herein helped A1, who reached on a motor cycle, when the victim was taken to the house of the uncle of the 1st accused. As B.A. No. 3671/2014 -2- against A1 there is allegation of rape also.

3. The learned counsel for the petitioners submits that A1 was already arrested and he is in jail. It is submitted by the learned counsel that as against the petitioners herein (A2 and A3), the only allegation is that they had gone near the house of the victim when A1 wanted to take her to his uncle's house and nothing more.

4. Considering all the aspects the following directions are issued: The petitioners shall surrender before the Investigating Officer within ten days from today. After interrogation the accused shall be produced before the learned Magistrate. When applied for bail by the accused, the learned Magistrate will, considering the nature of the case, grant bail to the petitioners but on the following conditions: a. The petitioners shall execute a bond for Rs.25,000/- (Rupees Twenty Five thousand only) each with two solvent B.A. No. 3671/2014 -3- 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. b. The petitioners shall make themselves 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. c. The petitioners shall surrender their original passports before the learned jurisdictional Magistrate. If they are not having any valid passport, they should file an affidavit regarding the same before the Magistrate. d. The petitioners will also file an affidavit that they will abide by all the B.A. No. 3671/2014 -4- 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. e. The petitioners shall not leave India without the prior permission of the learned Magistrate. f. 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

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