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Farook K vs State of Kerala

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Court : Kerala

Decided On : May-26-2021

Judge : Honourable Mr. Justice B.Sudheendra Kumar

Appeal No. : Bail Appl./2443/2021

Appellant : Farook K

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE B.SUDHEENDRA KUMAR WEDNESDAY, THE 26TH DAY OF MAY 2021 / 5TH JYAISHTA, 1943 BAIL APPL. NO. 2443 OF 2021 CRIME NO.1351/2020 OF Chevayur Police Station, Kozhikode PETITIONER/S: FAROOK K AGED 31 YEARS SON OF ABDUYL AZEES KAKKATTIL NARUKARA ERANAD TALUK MALAPPURAM MALAPPURAM, PIN - 673507 BY ADV T.SHIHABUDHEEN RESPONDENT/S: STATE OF KERALA REPRESENTED BY PUBLIC PROSECUTOR,HIGH COURT OF KERALA ERNAKULAM, PIN - 682031 BY PUBLIC PROSECUTOR,SMT M K PUSHPALATHA THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 26.05.2021, THE COURT ON THE SAME DAY

DELIVERED THE FOLLOWING: -2-

ORDER

The petitioner is the 2nd accused in Crime No.1351 of 2020 of Chevayur Police Station registered for the offences punishable under Sections 323, 354, 420 and 376 read with Section 34 IPC.

2. The prosecution allegation is that the 1 st accused

received a total amount of Rs.6,00,000/- from the informant and his family during December 2020 under the guise of ejecting the devil from the body of the wife of the informant and thereafter, he committed rape on her. It is alleged that the petitioner outraged her modesty.

3. The petitioner has filed this application praying for the relief under Section 438 Cr.P.C.

4. Heard.

5. The learned Public Prosecutor, on instructions, has -3- submitted that the 1st accused alone had committed rape and that the petitioner had neither committed the rape nor

aided the 1st accused in committing the rape. It was revealed in the investigation that the petitioner had only beaten the informant prior to the commencement of the pooja by the 1st accused. The learned Public Prosecutor has no serious objection in granting pre-arrest bail to the petitioner. It has been submitted by the learned Public Prosecutor that the petitioner is not involved in any other offence of similar nature. Considering the facts and circumstances of the case, I am inclined to grant the relief under Section 438 Cr.P.C. in favour of the petitioner. In the result, this application stands allowed and the petitioner shall be enlarged on bail, in the event of his arrest in connection with the above said crime on condition -4-

of the petitioner executing a bond for Rs.50,000/-(Rupees fifty thousand only), with two solvent sureties, each for the like sum to the satisfaction of the Station House

Officer concerned, before whom the petitioner shall surrender within twenty days, if not arrested in the meantime and subject to the following conditions:

(i) The petitioner shall report before the Investigating Officer as and when required by the Investigating Officer for interrogation.

(ii) The petitioner shall not get involved in any other offence of similar nature during the pendency of this case.

(iii) The petitioner shall not intimidate or influence the witnesses or in any way tamper with the investigation. SD B. SUDHEENDRA KUMAR, JUDGE. dl/

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