

Bhadran and Sasikumar Vs. the State of Kerala

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Court : Kerala

Decided On : Apr-07-2010

Judge : K.T. Sankaran, J.

Acts : Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act - Section 3(2); ;Indian Penal Code (IPC) - Sections 34, 366 and 376; ;Code of Criminal Procedure (CrPC) - Sections 156(3) and 439

Appeal No. : Bail Appl. No. 2017 of 2010

Appellant : Bhadran and Sasikumar

Respondent : The State of Kerala

Advocate for Def. : No Appearance

Advocate for Pet/Ap. : S. Shanavas Khan, Adv.

Disposition : Application allowed

Judgement :

ORDER

K.T. Sankaran, J.

1. This is an application for bail under Section 439 of the Code of Criminal Procedure. The petitioners are accused Nos. 1 and 2 in Crime No. 119 of 2010 of

Kareelakulangara Police Station.

2. The offences alleged against the petitioners are under Sections 366 and 376 read with Section 34 of the Indian Penal Code and Section 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

3. The case of the de facto complainant is that on 12.12.2007, she was abducted by accused No. 1 and she was taken to the house of accused No. 2. In that house, she was illegally confined till 16.12.2007 and she was raped by the first accused on several occasions. She became pregnant and a child was born to her. There is no allegation of rape against accused No. 2. The de facto complainant filed a complaint before the Magistrate's court on 10.3.2010. The complaint was forwarded to the police under Section 156(3) of the Code of Criminal Procedure and accordingly, the crime was registered.

4. Heard the learned Counsel for the petitioners and the learned Public Prosecutor.

5. Taking into account the facts and circumstances of the case, the duration of the judicial custody undergone by the petitioners, the nature of the offence and the present stage of investigation, I am of the view that bail can be granted to the petitioners.

The petitioners shall be released on bail on their executing bond for Rs. 25,000/- each with two solvent sureties for the like amount to the satisfaction of the Judicial Magistrate of the First Class-I, Haripad, subject to the following conditions:

a) The first petitioner/first accused shall report before the investigating officer between 9 A.M. and 11 A.M. on all Mondays and Thursdays for a period of two months and thereafter on all Mondays, till the final report is filed or until further orders. The second petitioner/second accused shall report before the investigating officer on alternate Mondays till the final report is filed or until further orders;

b) The petitioners shall appear before the investigating officer for interrogation as and when required;

- c) The petitioners shall not try to influence the prosecution witnesses or tamper with the evidence;
- d) The petitioners shall not commit any offence or indulge in any prejudicial activity while on bail;
- e) In case of breach of any of the conditions mentioned above, the bail shall be liable to be cancelled.

The Bail Application is allowed as above.

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