
(2024) 05 KL CK 0036
In the High Court Of Kerala
Case No : Bail Application No. 3473 Of 2024

Anu	Vs	APPELLANT
State Of Kerala		RESPONDENT

Date of Decision : 14-05-2024

Acts Referred:

Code of Criminal Procedure, 1973 — Section 439
Indian Penal Code, 1860 — Section 34, 354, 376, 506

Citation : (2024) 05 KL CK 0036

Hon'ble Judges : Mohammed Nias C.P., J

Bench : Single Bench

Advocate : George Renoy, Sangeeth Raj N.R

Final Decision : Dismissed

Judgement

Mohammed Nias C.P., J

1. This is an application filed under Section 439 of the Code of Criminal Procedure seeking regular bail.
2. The petitioner is the first accused in Crime No. 174/2024 of Varapuzha Police Station, Ernakulam, for having committed offences punishable under Sections 376, 354, 506 r/w 34 of the Indian Penal Code.
3. The prosecution case is that the first accused made the defacto complainant believe that he is a divorcee and promised her that he will marry her, and on 21.1.2024, the first accused committed rape on the defacto complainant at her house at Olanad, Varapuzha, and on 24.1.2024, the first accused took her to the house of the second accused to remove the hindrance of their marriage and the second accused removed her dress and touched on her private parts. Thereafter, the third accused criminally intimidated her by sending messages and thereby, caused fear to her and thus, committed the aforementioned offences.
4. The learned counsel for the petitioner submits that the petitioner is innocent of

the allegations levelled against him and has been falsely implicated in the crime. At any rate, he points out that the petitioner has been in custody since 20.3.2024, and the continued custody of the petitioner is unnecessary. The learned counsel submits that Anx.A-2 order shows that the petitioner is a divorcee.

5. The learned Public Prosecutor opposed the petition.

6. I have heard both sides.

7. Anx.A-2 order shows that the petitioner is a divorcee. The learned counsel submits that though they had fallen in love and were in a relationship, the petitioner did not want to go ahead with the marriage. Taking note of the allegations raised against the petitioner and after hearing both sides and the fact that he has been in custody since 20.3.2024, I am inclined to grant bail to the petitioner as no apprehension about the petitioner absconding is raised by the prosecution.

8. Accordingly, this application is allowed, and the petitioner is granted bail subject to the following conditions:-

- i. The petitioner shall be released on bail on 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 court having jurisdiction;
- ii. The petitioner shall fully cooperate with the trial and shall attend the Court on all posting dates except when his absence is permitted by the court concerned;
- iii. The petitioner shall not intimidate or attempt to influence the witnesses, nor shall he tamper with the evidence or do anything that might adversely affect the trial;
- iv. The petitioner shall not commit any offence while on bail;
- v. The petitioner shall not leave the country without the permission of the Court having jurisdiction;
- vi. In case of violation of any of the above conditions, the jurisdictional Court shall be empowered to consider the application for cancellation of bail and pass appropriate orders in accordance with law.