

(2022) 11 KL CK 0007
In the High Court Of Kerala
Case No : Bail Application No. 8413 Of 2022

Devarajan K Y

APPELLANT

Vs

State Of Kerala

RESPONDENT

Date of Decision : 01-11-2022

Acts Referred:

Code of Criminal Procedure, 1973 — Section 167, 167(2)(a)(i), 439
Indian Penal Code, 1860 — Section 375(1), 450

Citation : (2022) 11 KL CK 0007

Hon'ble Judges : Bechu Kurian Thomas, J

Bench : Single Bench

Advocate : K.Dilip, M.K.Pushpalatha

Final Decision : Allowed

Judgement

Bechu Kurian Thomas, J

1. This is an application for regular bail filed under Section 439 of the Code of Criminal Procedure, 1973.
2. Petitioner is the accused in Crime No.253/2022 of Koppam Police Station, alleging offences punishable under Sections 375(1) and 450 of the Indian Penal Code.
3. According to the prosecution, accused trespassed into the house of the defacto complainant and committed rape on her and thereby committed the offences alleged.
4. Shri.K.Dilip, the learned counsel for the petitioner contended that petitioner is entitled for statutory bail under Section 167 Cr.P.C, since he was arrested on 03.08.2022 and 90 days expired by 31.10.2022.
5. Smt.M.K. Pushpalatha, the learned Public Prosecutor, upon instructions, submitted that till date, the final report has not been filed.

6. In view of the failure to file the final report even after 90 days, petitioner is entitled to the statutory bail as contemplated under Section 167(2)(a)(i) of Cr.P.C.

In the result, this application is allowed on the following conditions:-

- a) Petitioner shall be released on bail on him 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.
- b) Petitioner shall appear before the Investigating Officer as and when required.
- c) Petitioner shall not intimidate or attempt to influence the witnesses; nor shall he tamper with the evidence or contact the defacto complainant's family members.
- d) Petitioner shall not commit any similar offences while he is on bail.
- e) Petitioner shall not leave India without the permission of the Court having jurisdiction.

In case of violation of any of the above conditions, the jurisdictional Court shall be empowered to consider the application for cancellation, if any, and pass appropriate orders in accordance with the law, notwithstanding the bail having been granted by this Court.