

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

WEDNESDAY, THE 28TH FEBRUARY 2007 / 9TH PHALGUNA 1928

Bail Appl..No. 1173 of 2007()

CRMP.575/2006 of C.J.M., KALEPETTA
.....

: PETITIONER/ACCUSED.

GOPALAKRISHNAN, AGED 50 YEARS,
S/O.AYYAPPAN, KARAKULATHIL HOUSE,
ANAPPARVAYAL, MUTTIL AMSOM,
VYTHIRI TALUK.

BY ADV. SRI.PHILIP M.VARUGHESE

RESPONDENT:

STATE OF KERALA, REPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SHRI JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 28/02/2007, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

V. RAMKUMAR, J.

BAIL APPLICATION NO.1173 OF 2007

DATED THIS THE 28th DAY OF FEBRUARY, 2007

O R D E R

Petitioner who is the accused in Crime No.405/06 of Kalpetta Police Station for an offence punishable under section 376 IPC, seeks his enlargement on bail.

2. The case of the prosecution is that the 22 year old victim who is a lady of unsound mind was, taking advantage of her mentally challenged state, taken on a motor bike and ravished from a room in a lodge. The occurrence took place on 11.12.2006. Pursuant to the direction issued by this court in an application for anticipatory bail filed by the petitioner, he surrendered before the Investigating Officer on 8.2.2007. After interrogation and potency test, the petitioner was produced before the C.J.M., Kalpetta who remanded him to judicial custody. Hence this application.

3. Even though the learned Public Prosecutor opposed the application, having regard to the facts and circumstances of the case including the duration of judicial custody of the petitioner, I am inclined to grant bail to the petitioner with effect from a future date. Accordingly, the petitioner is directed to be released on bail with effect from 12.3.2007 on his executing a bond for Rs.10,000/- (Rupees ten

thousand only) with two solvent sureties each for the like amount to the satisfaction of the C.J.M., Kalpetta and subject to the following conditions:

1. The petitioner shall report before the Investigating Officer between 9 a.m. and 11 a.m. on all Wednesdays.
2. The petitioner shall make himself available for interrogation as and when required by the Police, till the filing of the final report.
3. The petitioner shall not influence or intimidate the prosecution witnesses nor shall he attempt to tamper with the evidence for the prosecution.
4. The petitioner shall not commit any offence while on bail.

If the petitioner commits breach of any of the above conditions, the bail granted to him shall be liable to be cancelled.

This application is allowed as above.

V.RAMKUMAR, JUDGE.

dsn