

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE GOPINATH P.

MONDAY, THE 30TH DAY OF OCTOBER 2023 / 8TH KARTHIKA, 1945

BAIL APPL. NO. 9216 OF 2023

CRIME NO.771/2023 OF PANTHEERANKAVU POLICE STATION, KOZHIKODE

DISTRICT

PETITIONER/ACCUSED:

RAHUL RAJ.R.S,
AGED 33 YEARS,
S/O.RAJAN, POOKOTH HOUSE, NAMBRATHUKKARA, NADUVATHOOR
POST, KOYILANDY, KOZHIKODE (DIST), PIN - 673 620.
BY ADV K.DEEPA (PAYYANUR)

RESPONDENT/COMPLAINANT:

STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, PIN - 682 031

BY SRI G. SUDHEER (PP)

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
30.10.2023, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER

This is an application for regular bail.

2. The petitioner is the accused in Crime No.771 of 2023 of Pantheerankavu Police Station, Kozhikode District, alleging commission of offences under Sections 376, 376(2)(n) and 506(1) of the Indian Penal Code. The allegation against the petitioner is that the petitioner, who is a close friend of the de-facto complainant / victim's husband, committed rape on her at a residential apartment at Kozhikode on 11.02.2023 and thereafter, continued to force the de-facto complainant / victim into sexual relationships after threatening that nude pictures and videos of the de-facto complainant / victim will be circulated on social media. It is also alleged that after intimidating the victim, the petitioner purchased an Apple I phone worth Rs.86,000/- by using the Bajaj EMI card of the de-facto complainant / victim and also obtained 10 sovereigns of gold from her.

3. The learned counsel appearing for the petitioner would submit that even if the entire contents of the First Information Statement are taken into account, it can only be seen as a case of consensual relationship. It is submitted that the allegation that the

petitioner had committed rape on the victim is absolutely false. It is submitted that the petitioner has been in custody from 07.10.2023 and the continue detention of the petitioner is not necessary in the facts and circumstances of the case. It is submitted that Annexures 1 to 6 will indicate that the petitioner was having a close relationship with the alleged victim.

4. The learned Public Prosecutor opposes the grant of bail. The circumstances of the case appearing against the petitioner are pointed out from the First Information Statement of the victim. It is submitted that there are sufficient allegations to attract the offences alleged against the petitioner. It is submitted that the matter is under investigation and if the petitioner is granted bail, there is every chance of the de-facto complainant / victim being influenced or intimated and at least till investigation is completed, the petitioner may not be granted bail.

5. Having heard the learned counsel for the petitioner and the learned Public Prosecutor and having regard to the facts and circumstances of the case, I am of the opinion that the petitioner can be granted bail subject to conditions. The allegations against the petitioner are as noticed above. The petitioner has been in custody from 07.10.2023. According to the

learned counsel for the petitioner, recoveries have been effected. Apart from the fact that the de-facto complainant / victim may be influenced or intimidated, no other compelling reason is shown as to why the petitioner must be continued in custody.

6. In the result this bail application is allowed. It is directed that the petitioner shall be released on bail, subject to the following conditions:-

- (i) The petitioner shall execute a bond for a sum of Rs.50,000/- (Rupees fifty thousand only) with two solvent sureties each for the like sum to the satisfaction of the jurisdictional Court;
- (ii) The petitioner shall report before the Investigating officer in Crime No.771 of 2023 of Pantheerankavu Police Station, Kozhikode District as and when summoned to do so;
- (iii) The petitioner shall not attempt to interfere with the investigation, influence or intimidate the victim or any witness in Crime No.771 of 2023 of Pantheerankavu Police Station, Kozhikode District;
- (iv) The petitioner shall not enter the local limits of Pantheerankavu Police Station till filing of final report, except for complying with any condition imposed in this

order or for appearance before any court or authority;

(v) The petitioner shall not involve in any other crime while on bail.

If any of the aforesaid conditions are violated, the Investigating officer in Crime No.771 of 2023 of Pantheerankavu Police Station, Kozhikode District, may file an application before the jurisdictional Court for cancellation of bail.

Sd/-
GOPINATH P.
JUDGE

DK

APPENDIX OF BAIL APPL. 9216/2023

PETITIONER ANNEXURES

Annexure -7 TRUE COPY OF THE ORDER DATED
13.10.2023 IN C.M.P. NO.3398/2023 IN
CRIME NO.771/2023 OF THE JUDICIAL
FIRST CLASS MAGISTRATE OF FIRST CLASS-
III, KOZHIKODE.