

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.BHAVADASAN

FRIDAY, THE 20TH DAY OF DECEMBER 2013/29TH AGRAHAYANA, 1935

Bail Appl..No. 8602 of 2013 ()

CRIME NO. 1758/2013 OF PERINTHALMANNA POLICE STATION,MALAPPURAM

APPLICANT/ACCUSED :

**MUJEEB, AGED 35 YEARS,S/O.MOIDU,
KOORIYATT VATTAPARAMBIL HOUSE, VENGUR P.O.,
PERINTHALMANNA TALUK, MALAPPURAM DISTRICT.**

BY ADV. SRI.P.M.RAFIQ

RESPONDENT/COMPLAINANT :

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

BY PUBLIC PROSECUTOR SMT. P.MAYA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 20-12-2013, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

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P.BHAVADASAN, J.

Bail Application No.8602 OF 2013

Dated this the 20th day of December, 2013.

O R D E R

The petitioner is the sole accused in Crime No.1758/2013 of Perinthalmanna Police Station who is alleged to have committed the offences punishable under Section 377 IPC, Section 23 of the Juvenile Justice (Care and Protection of Children) Act and Sections 3(e), (d) read with Sections 4 and 11(iii) of Protection of Children from Sexual Offences Act. The allegation against the petitioner is that on the date of the incident, when the victim had gone over to the tailoring shop run by the petitioner to find out whether alteration could be made to the two pants of his brother, the petitioner agreed to do so and while the victim was waiting for his brother, he was called inside the shop and the offence was committed.

2. The petitioner would say that he is innocent and has been falsely implicated. According to him, he has not committed any act as alleged and it was due to previous enmity that the

complaint has been laid. It is also pointed out that he has been in custody from 23.11.2013 onwards and his continued custody is unnecessary.

3. Learned Public Prosecutor opposed the petition and pointed out that the offences are of serious nature.

4. After having heard the learned counsel for the petitioner, the learned Public Prosecutor and also after having perused the records, the claim of the petitioner that he is totally innocent cannot be countenanced. The court below has gone into the matter in considerable detail and after referring to the object and purpose of the Act, declined to grant the relief to the petitioner. Anyhow, a deeper probe into the veracity of the allegations is not warranted at this point of time. The fact remains that the petitioner has been in custody from 23.11.2013 onwards and a good part of the investigation must have been completed by now. His continued custody is therefore unnecessary.

Therefore, the application is allowed on the following conditions:

- i) The petitioner shall be released on bail on his executing a bond for Rs.25,000/- (Rupees twenty five

thousand only) with two solvent sureties for the like sum each to the satisfaction of the Court concerned.

- ii) The Court concerned shall ensure the identity of the sureties and also the veracity of the tax receipts produced by him.
- iii) The petitioner shall report before the Investigating Officer on every Wednesday between 9 a.m and 10 a.m until further orders.
- iv) The petitioner shall surrender his passport before the Court concerned and if does not possess a valid passport, an affidavit to that effect shall be filed before the Court concerned.
- v) The petitioner shall not leave the State of Kerala without prior permission of the Court concerned.
- vi) The petitioner shall not enter the jurisdiction of Perinthalmanna Police Station for a period of three months from today except for complying Condition No.iii.
- vii) The petitioner shall not tamper or attempt to tamper with the evidence or influence or try to influence the witness.

- viii) If any of the condition is violated, the bail granted shall stand cancelled and the Court concerned, on being satisfied of the said fact, may take such steps as are available to it in law.

Sd/-

**P.BHAVADASAN
JUDGE**

smp

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P.A. to Judge.