

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE B.KEMAL PASHA

THURSDAY, THE 15TH DAY OF JANUARY 2015/25TH POUSHA, 1936

Bail Appl..No.19 of 2015

CRIME NO.1002/2014 OF EDATHUA POLICE STATION,ALAPPUZHA DISTRICT.

PETITIONER/ACCUSED:

**VINOD,AGED 36 YEARS,S/O.MANIYAN,
PERASSERY VEETIL,WARD NO.6,
PULINKUNNU PANCHAYATH,
ALAPPUZHA DISTRICT.**

**BY ADVS.SRI.E.RAFEEK
V.V.HGOKUL DAS**

RESPONDENT:

**STATE OF KERALA,
REP. BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA.**

BY PUBLIC PROSECUTOR SMT.LALIZA T.Y

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 15-01-2015,ALONG WITH BA 160/2015 THE COURT ON THE SAME DAY
PASSED THE FOLLOWING:**

pk

B.KEMAL PASHA, J.

.....
B.A. Nos.19 & 160 of 2015
.....

Dated this the 15th day of January, 2015

ORDER

Petitions filed under Section 439 Cr.P.C.

2. Petitioner in B.A.No.19/2015 is the first accused and the petitioner in B.A.No.160/2015 is the second accused in Crime No.1002/2014 of the Edathua Police Station, Alappuzha registered for the offences punishable under Section 377 read with Section 34 of the Indian Penal Code and Sections 3 and 4 of Protection of Children from Sexual Offences Act.

3. The allegation against the petitioners and the other accused is that during the period from June 2014 to 16th November, 2014, they have subjected the defacto complainant boy, who is a 9th standard student to carnal

intercourse against the order of nature, and committed penetrative sexual assault on him repeatedly. The petitioners have been in custody for the period from 20.11.2014 onwards.

4. Heard learned counsel for the petitioners and the learned Public Prosecutor. The learned Public Prosecutor has opposed the petition. Perused the CD.

5. No criminal antecedents have been reported against the petitioners. The investigation of this case is practically over. It is true that the allegations against the petitioners are very grave and serious and normally they are not entitled to be enlarged on bail. At the same time, in the absence of any criminal antecedents on their part, I am of the view that they can be enlarged on regular bail, on strict conditions.

6. In the result, these Bail Applications are allowed and the petitioners shall be enlarged on bail on their executing a bond for ₹1,00,000/- (Rupees one lakh only)

each with two solvent sureties each for the like sum each to the satisfaction of the court below and subject to the following terms and conditions:-

(i) The petitioners shall report before the Investigating Officer in between 9 a.m. and 11 a.m. on all Thursdays and Mondays commencing from 22.01.2015 for a period of six months.

(ii) Except for observing condition No.(i) above, the petitioners shall not enter Alappuzha district for a period of six months from today.

(iii) The petitioners shall neither contact the boy or his family members, nor shall make any attempt for the same, either directly or indirectly.

(iv) The petitioners shall not tamper with the evidence or influence witnesses.

(iv) The petitioners shall make themselves available for interrogation as and when required by the Investigating Officer.

(vi) The petitioners shall not involve in any offence while on bail.

It is made clear that the violation of any of the conditions stipulated above will result in the cancellation of bail.

ul/-

Sd/- B.KEMAL PASHA, JUDGE

[True copy]

P.S. to Judge