

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

WEDNESDAY, THE 28TH DAY OF JANUARY 2015/8TH MAGHA, 1936

Bail Appl..No. 203 of 2015

**CRIME NO. 848/2013 OF VENJARAMOODU POLICE STATION
THIRUVANANDAPURAM**

PETITIONER(S)/ACCUSED:

**AJEESH, AGED 25 YEARS
S/O. SUDHAN, AJITH BHAVAN, KOLLAM
PANAVOOR.P.O., ANAD VILLAGE, NEDUMANGADU TALUK
THIRUVANANTHAPURAM.**

**BY ADVS.SRI.T.A.UNNIKRISHNAN
SRI.K.SATHEESH KUMAR**

RESPONDENT(S)/COMPLAINANT:

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

BY PUBLIC PROSECUTOR SMT.LALIZA T.Y.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 28-01-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

PJ

B. KEMAL PASHA, J.

.....
B.A. No.203 of 2015
.....

Dated this the 28th day of January, 2015

ORDER

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Petition filed under Section 439 Cr.P.C.

2. Petitioner is the accused in Crime No.848/2013 of Venjaramoodu Police Station registered for the offences punishable under Section 376 IPC and Sections 4 and 8 of the POCSO Act.

3. The allegation against the petitioner is that he enticed a girl aged 16, who was a 9th standard student, and repeatedly committed sexual intercourse with her, thereby making her pregnant. She has delivered a child. It seems that the petitioner continued to stay along with the minor girl. The girl has not so far attained the age of majority. The petitioner has been in custody for the period from

30.11.2014 onwards.

4. Heard learned counsel for the petitioner and the learned Public Prosecutor.

5. The report of the investigating officer reveals that the girl will attain the age of majority on 31.05.2015 only. The learned counsel for the petitioner submits that the petitioner is ready and willing to marry the girl and the only impediment is that she has not attained the age of majority. The petitioner undertakes that the marriage can be conducted prior to the second week of July, 2015 as the girl will attain the age of majority on 31.05.2015 only. The investigating officer has reported that till his arrest, the girl was residing with the petitioner, with the child. No criminal antecedents have been reported against the petitioner. Considering the facts and circumstances of the case and the fact that the victim girl was residing along with the petitioner with the child till his arrest and as they were residing together just like wife and husband, I am of the view

that the petitioner can be enlarged on bail on conditions.

6. In the result, this Bail Application is allowed and the petitioner shall be enlarged on bail on his executing a bond for ₹25,000/- (Rupees twenty five thousand only) with two solvent sureties for the like sum each to the satisfaction of the concerned Judicial First Class Magistrate's Court, and subject to the following terms and conditions:-

(i) The marriage of the petitioner and the victim girl should be conducted on or before 09.07.2015.

(ii) The petitioner shall report before the Investigating Officer in between 9 a.m. and 11 a.m. on all Wednesdays and Saturdays, commencing from 04.02.2015 till 09.07.2015.

(iii) The petitioner shall not tamper with the evidence or influence witnesses.

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

(v) *The petitioner 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.

Sd/-
(B.KEMAL PASHA, JUDGE)

aks/28/01

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PA to Judge