

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

MONDAY, THE 19TH DAY OF JANUARY 2015/29TH POUSHA, 1936

Bail Appl..No. 235 of 2015

CRIME NO. 503/2014 OF CHEEMENI POLICE STATION.
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PETITIONERS/3RD ACCUSED:

**RAIJU P.M., S/O.MATHEW,
AGED 22 YEARS, PUNNEKKATTU HOUSE,
ELAVAM PADAM POST, PALAGHAT DISTRICT.**

BY ADV. SRI.SUNNY MATHEW

RESPONDENTS/COMPLAINANT AND STATE:

- 1. THE SUB INSPECTOR OF POLICE,
CHEEMENI POLICE STATION,
KASARAGODU DISTRICT.**
- 2. STATE OF KERALA,
RPERESNTED 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 19-01-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

mbr/

B.KEMAL PASHA, J.

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B.A. No.235 of 2015

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Dated this the 19th day of January, 2015

ORDER

Petition filed under Section 439 Cr.P.C.

2. Petitioner is the third accused in Crime No.503/2014 of the Cheemeni Police Station, Kasaragod pending investigation for offences punishable under Sections 366 A and 354 of the Indian Penal Code and Sections 7 and 8 of the Protection of Children from Sexual Offences Act.

3. The allegation against the petitioner is that he enticed a 16 year old girl, who is the defacto complainant herein and took her to Kanhangad, where he along with A4 and A5, made her to consume beer. It is alleged that they had outraged the modesty of the girl and thereafter she was dropped at Payyannur, from where, A1 and A2 obtained her

custody by an auto-rickshaw and took her to several places by the auto-rickshaw and again made her to drink beer and they outraged her modesty. The petitioner has been in custody for the period from 22.12.2014 onwards.

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

5. The main overt act alleged against the petitioner is that he made her to drink beer and thereafter, he along with A4 and A5 outraged the modesty of the girl. It seems that the investigation of this case, as far as the present petitioner is concerned, is over. No criminal antecedents have been reported against the petitioner. Having regard to the period undergone by the petitioner in custody, the present stage of investigation and the absence of any criminal antecedents on his part, I am of the view that the petitioner can be enlarged on bail.

6. In the result, this Bail Application is allowed and the petitioner shall be enlarged on bail on his executing a

bond for ₹1,00,000/- (Rupees one lakh only) with two solvent sureties for the like sum each to the satisfaction of the court below, and subject to the following terms and conditions:-

(i) The petitioner shall report before the Investigating Officer in between 9 a.m. and 11 a.m. on all Mondays and Thursdays commencing from 26.01.2015 for a period of six months.

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

(iii) The petitioner shall neither contact the defacto complainant or her family members nor shall make any attempt for the same, either directly or indirectly.

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

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

(vi) 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

DSV/19/1/15

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PA to Judge