

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

FRIDAY, THE 16TH DAY OF JANUARY 2015/26TH POUSHA, 1936

Bail Appl..No. 243 of 2015 ()

CRIME NO. 921/2014 OF KANNUR CITY POLICE STATION , KANNUR DISTRICT

PETITIONER/ACCUSED(UNDER CUSTODY):

**JAGANATH P.S., AGED 46 YEARS,
S/O.NARAYANAN, KANNIYATH HOUSE, CHOVVA.P.O,
ELAYAVOOR AMSOM, CHOVVA DESOM.**

**BY SRI.M.RAMESH CHANDER,SENIOR ADVOCATE
ADV. SRI.ANEESH JOSEPH
SMT.DENNIS VARGHESE**

RESPONDENT(S)/COMPLAINANT & STATE :

**STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-31.**

BY PUBLIC PROSECUTOR SMT. LALIZA.T.Y.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 16-01-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

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B.KEMAL PASHA, J.

.....
B.A. No.243 OF 2015
.....

Dated this the 16th day of January, 2015

ORDER

Petition filed under Section 439 Cr.P.C.

2. Petitioner is the accused in Crime No.921/2014 of the Kannur City Police Station registered for the offence punishable under Section 7 read with Section 8 of the Protection of Children from Sexual Offences Act.

3. The allegation against the petitioner is that he had committed severe sexual assault on three boys of the 9th standard of Higher Secondary School, Chovva, when they had approached him for the repair works of their clothes at the tailoring shop of the petitioner. The petitioner has been in custody for the period from 28.11.2014 onwards.

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

5. No criminal antecedents have been reported against the petitioner. The contents of the CD reveal that the investigation of this case is practically over. Continued detention of the petitioner in custody is not required for the continued investigation of this case. It is true that the allegations against the petitioner are very grave and serious. 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, on strict conditions.

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 Fridays and Tuesdays commencing from 23.01.2015 for a period of six months.

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

(iii) The petitioner shall neither contact the boys nor 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

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[True copy]

P.S. to Judge