

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

FRIDAY, THE 30TH DAY OF JANUARY 2015/10TH MAGHA, 1936

Bail Appl..No. 375 of 2015

CRIME NO. 928/2014 OF KANNUR CITY POLICE STATION , KANNUR

PETITIONER(S)/ACCUSED NO.2:

**NIHAD C.H., AGED 21 YEARS
S/O. MOIDU P.P., MOHZINAKASH, CHIRAKKALKULAM
KANNUR - 2.**

BY ADV. SRI.C.P.UDAYABHANU

RESPONDENT(S)/COMPLAINANT:

**STATE OF KERALA,
REPRESENTED BY THE S.I OF POLICE
KANNUR CITY POLICE STATION, (CRIME NO. 928/14)
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 30-01-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

PJ

B.KEMAL PASHA, J.

.....
B.A. No.375 OF 2015
.....

Dated this the 30th day of January, 2015

ORDER

Petition filed under Section 439 Cr.P.C.

2. Petitioner is the second accused in Crime No.928/2014 of the Kannur City Police Station, registered for the offence punishable under Section 8 of Protection of Children from Sexual Offences Act.

3. The allegation against the petitioner and the other accused is that on 22.11.2014 they enticed two school going minor girls of the ninth and tenth standards, and gave them a lift by Swift Car bearing Reg.No.KL-13-X-4786, and roamed around the city and sexually assaulted the girls while they were in the car. The petitioner has surrendered before the police on 12.12.2014 and thereafter he has been

in custody.

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. 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 concerned 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 06.02.2015 for a period of six months.

(ii) The petitioner shall neither contact the girls or their family members nor shall make any attempt for the same, either directly or indirectly.

(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

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[True copy]

P.S. to Judge