

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

WEDNESDAY, THE 4TH DAY OF FEBRUARY 2015/15TH MAGHA, 1936

Bail Appl..No. 517 of 2015 (D)

Crl.MP 4276/2014 of SESSIONS COURT,PATHANAMTHITTA
Crl.MP 4303/2014 of SESSIONS COURT,PATHANAMTHITTA
CRIME NO. 1060/2014 OF KODUMON POLICE STATION , PATHANAMTITTA

PETITIONERS/ACCUSED 2 & 3:

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1. AJI @ AJAYAKUMAR AGED 28 YEARS
S/O.PODIYAN, MURUTHAKUNNU VEEDU, CHMPIKUNNU COLONY
V.KOTTAYAM, PATHANAMTHITTA DISTRICT.
 2. RATHEESH, AGED 19 YEARS
S/O.REGHU, MELARAMKODU VEEDU
THATTARUPADIVELLARAMKUNNU
ENATHU, ADOOR, PATHANAMTHITTA.

BY ADVS.SRI.K.N.RADHAKRISHNAN(THIRUVALLA)
SRI.M.A.HARI

RESPONDENT/COMPLAINANT:

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

R BY PUBLIC PROSECUTOR, SMT.LALIZA T.Y.

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
04-02-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

B.KEMAL PASHA, J.

B.A.No.517 of 2015 D

Dated this the 4th day of February 2015

ORDER

Petition filed under Section 439 Cr.P.C.

2. Petitioners are accused Nos.2 and 3 in Crime No.1060/2014 of Kodumon Police Station, Pathanamthitta district registered for the offences punishable under Sections 366(A), 376 and 419 read with Section 34 of the Indian Penal Code and section 3 read with Section 4 of Protection of Children from Sexual Offences Act, 2012.

3. The allegation against the petitioners and the other accused is that, they had enticed a 17 year old girl and committed aggravated penetrative sexual assault on her. It is alleged that the first petitioner herein had impersonated himself as another person

and contacted the girl and enticed her. It was thereafter, the accused had sexually assaulted her on 31.8.2014 and 31.10.2014. The petitioners have been in custody for the period from 1.11.2014 onwards.

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

5. It seems that the investigation of the case is practically over. No criminal antecedents have been reported against the petitioners. Continued detention of the petitioners in custody is not required for the continued investigation of the case. Having regard to the period undergone by the petitioners in custody, the present stage of investigation and the absence of criminal antecedents on the part of the petitioners, I am satisfied that the petitioners can be enlarged on bail.

6. In the result, this Bail Application is allowed and the petitioners shall be enlarged on bail on each of them executing a

bond for Rs.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 petitioners shall report before the Investigating Officer in between 9 am and 11 am on all Wednesdays and Saturdays commencing from 11.2.2015 for a period of three months or till the filing of the final report in this case, whichever is earlier.

(ii) Except for observing condition No.(i) above, the petitioners shall not enter the local limits of the Kodumon Police Station, Pathanamthitta district for a period of six months from today.

(iii) The petitioners shall neither contact the girl or her 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.

(v) 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.

**Sd/-
B.KEMAL PASHA,
JUDGE**

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PA to Judge