

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. 609 of 2015

CRIME NO. 734/2014 OF NEYYARDAM POLICE STATION , THIRUVANANDAPURAM

PETITIONER(S)/ACCUSED NO.1:

**SHANAVAS, AGED 35 YEARS
S/O.M.ALIYARKUNJU, M.A.K HOUSE,
MANNOORKARA VILLAGE,
KOTTOOR P.O, THIRUVANANTHAPURAM.**

BY ADV. SRI.V.S.SHIRAZ BAVA

RESPONDENT(S):

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

BY PUBLIC PROSECUTOR SRI.C.RASHEED

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 04-02-2015,
ALONG WITH BA.NO.610/2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

PJ

B. KEMAL PASHA, J.

.....
B.A. Nos.609 & 610 of 2015
.....

Dated this the 4th day of February, 2015

ORDER

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Petitions filed under Section 439 Cr.P.C.

2. These bail applications are filed by the 1st accused in Crime Nos.734/2014 and 726/2014 of the Neyyardam Police Station pending investigation for the offences punishable under Sections 342, 344 and 506(i) read with Section 34 IPC, Section 3(1)(xi) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and Sections 12 and 17 of the POCSO Act.

3. The allegation against the petitioner and other accused is that they have arranged a tour programme of the members of the Scheduled Tribes from Neyyardam to

Kottayam by a luxury coach, by offering them meals and free travel. It is alleged that, while they were returning from Kottayam, liquor was supplied to the male members in the group and thereafter, the women including girls in the tour party were sexually assaulted and their modesty was outraged. The petitioner has been in custody for the period from 13.01.2015 onwards as he was surrendered before the investigating officer.

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

5. The contents of the CD reveal that the investigation of this case is practically over. The investigating officer has reported that the investigation is in the fag end and final report can be filed at the earliest. No criminal antecedents have been reported against the petitioner. The continued detention of the petitioner in custody is not required for the continued investigation of this case. Considering the facts and circumstances of this case

and having regard to the period undergone by the petitioner in custody and the present stage of investigation, I am satisfied that the petitioner can be enlarged on bail.

6. In the result, these Bail Applications are 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 Wednesdays and Saturdays, commencing from 11.02.2015 for a period of three months or till the filing of the final report in this case, whichever is earlier.

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

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

(iv) 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/04/02

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PA to Judge