

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

TUESDAY, THE 10TH DAY OF FEBRUARY 2015/21ST MAGHA, 1936

Bail Appl.No. 721 of 2015

CRIME NO. 573/2014 OF VELLARIKUNDU POLICE STATION, KASARGOD

.....

PETITIONER(S)/ACCUSED:

**RAJEEV K.K. @ RAJIKUMAR, AGED 35 YEARS,
S/O.KRISHNAN, RESIDING AT KURUKUNNEL HOUSE, KAPPALAM,
RAJAGIRI, KANNUR DISTRICT**

BY ADV. SRI.T.MADHU

RESPONDENT(S)/COMPLAINANT:

**THE STATE OF KERALA
THROUGH THE STATION HOUSE OFFICER,
VELLARIKUNDU POLICE STATION, KASARAGOD DISTRICT,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA ERNAKULAM - 682 031**

BY PUBLIC PROSECUTOR SRI.SREEJITH V.S.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
10-02-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

msv/

B.KEMAL PASHA, J.

.....
B.A. No.721 OF 2015
.....

Dated this the 10th day of February, 2015

ORDER

Petition filed under Section 439 Cr.P.C.

2. Petitioner is the accused in Crime No.573/2014 of the Vellarikundu Police Station, Kasaragod registered for the offences punishable under Section 377 of the Indian Penal Code and Section 4 of Protection of Children from Sexual Offences Act.

3. The allegation against the petitioner is that on 23.11.2014 at 10.45 a.m. the petitioner, who was performing as a dance master, has committed carnal intercourse against the order of the nature on a 13 year old boy, who was a dance student, and repeatedly committed aggravated sexual assault on the boy. Thereafter, the boy was reluctant

to attend the dance class, even though his parents had insisted him to go to the dance class. He revealed everything to his parents. Thereafter, when the boy did not attend the class, it seems that the petitioner went to the house of the boy once again and attempted to take the boy forcibly from there. The petitioner has been in custody for the period from 30.11.2014 onwards.

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

5. The allegations against the petitioner are very grave and serious. The contents of the CD, *prima facie*, reveal the complicity of the petitioner. At the same time, no criminal antecedents have been reported against the petitioner. Continued detention of the petitioner in custody is not required for the continued investigation of this case. But, the activities of the petitioner are to be constantly watched by imposing stringent conditions. Taking into consideration the period undergone by the petitioner in custody, 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 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 Tuesdays and Fridays commencing from 17.02.2015 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 boy or his 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.

It is further directed that the investigating officer shall take all measures to see that the petitioner should not get custody of children any further.

Sd/- B.KEMAL PASHA, JUDGE

ul/-

[True copy]

P.S. to Judge