

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

FRIDAY, THE 27TH DAY OF MARCH 2015/6TH CHAITHRA, 1937

Bail Appl..No. 760 of 2015

CRIME NO. 5/2015 OF KUTTIYADI POLICE STATION , KOZHIKODE

PETITIONER(S):

**AKSHAY N.P, AGED 18 YEARS
S/O.PADMANABHAN, MARUTHORA, MOYILOTHARA P.O.
KAVILUMPARA, VADAKARA TALUK, KOZHIKODE DISTRICT.**

**BY ADVS.SRI.S.RAJEEV
SRI.K.K.DHEERENDRAKRISHNAN
SRI.V.VINAY**

RESPONDENT(S):

**1. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM
PIN-682031 (CRIME NO.5/2015 OF KUTTIADY POLICE STATION
KOZHIKODE DISTRICT).**

**2. STATION HOUSE OFFICER
KUTTIADY POLICE STATION
KOZHIKODE DISTRICT 673 508,
(CRIME NO.5/2015 OF KUTTIADY POLICE STATION
KOZHIKODE DISTRICT).**

BY PUBLIC PROSECUTOR SRI.SREEJITH V.S.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 27-03-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

PJ

K.ABRAHAM MATHEW, J.

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B.A.No.760 of 2015

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Dated this the 27th day of March, 2015

ORDER

Petition filed under Section 438 Cr.P.C.

2. Petitioner is the sole accused in Crime No.5/2015 of Kuttiady Police Station registered for the offences under Section 354 IPC and Sections 8 and 12 of Protection of Children from Sexual Offences Act. The victim is aged 17 years. The allegation is that, the petitioner sexually harassed the victim and caught hold of her from behind and attempted to press her breast.

3. The learned counsel submits that, the police registered a case against the father of the victim and some others for offences under Sections 143, 147, 148, 308, 323, 324, 342, 395, 452 and 506 (i) read with 149 IPC and this is only a false case got registered to set up a defence in the other case.

4. Heard.

5. The petitioner and the victim are class mates. The petitioner is aged 18 years and the victim 17 years. The allegation is that, he sexually harassed her and one day he caught hold of her from behind and attempted to press her breast. Having regard to

the age of the parties and the nature of the allegations and the other facts revealed in the case, I am inclined to grant the prayer of the petitioner, as his custodial interrogation is not necessary.

In the result, this application is allowed.

1) The petitioner shall be released on bail after interrogation on his executing a bond for ₹25,000/-(Rupees twenty five thousand only) with two solvent sureties each for the like sum if he is arrested by the Police in connection with this case. One of the sureties shall be one of his parents.

2) He shall appear before the Investigating Officer for interrogation between 3pm and 4 pm on the 1st and 3rd Saturdays for three months.

3) He shall not destroy or tamper with evidence.

4) He shall not contact or communicate with the victim or her relatives.

5) In case of violation of any of the above conditions, the learned Magistrate is empowered to cancel the bail in accordance with the law.

K.ABRAHAM MATHEW, JUDGE