

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

WEDNESDAY, THE 18TH DAY OF FEBRUARY 2015/29TH MAGHA, 1936

Bail Appl..No. 844 of 2015

CRIME NO. 424/2014 OF POOKOTTUMPADAM POLICE STATION , MALAPPURAM

PETITIONER(S)/ACCUSED:

**RASHEED, S/O.KUNJIMOHAMMED KUTTY, AGED 40 YEARS
KIZHAKKUPARAMBAN HOUSE, VARIKKAL
AMBALAKKUNNU, KARULAI P.O, NILAMBUR TALUK,
MALAPPURAM DIST.**

**BY ADVS.SRI.P.SAMSUDIN
SRI.K.C.ANTONY MATHEW
SRI.JITHIN LUKOSE**

RESPONDENT(S)/COMPLAINANT:

**STATE OF KERALA
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 18-02-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

PJ

B.KEMAL PASHA, J.

.....
B.A. No.844 OF 2015
.....

Dated this the 18th day of February, 2015

ORDER

Petition filed under Section 439 Cr.P.C.

2. Petitioner is the accused in Crime No.424/2014 of the Pookkottumpadam Police Station, Malappuram registered for the offences punishable under Section 376(i) of the Indian Penal Code and Section 5 read with Section 6 of Protection of Children from Sexual Offences Act.

3. The allegation against the petitioner is that he has committed penetrative sexual assault on a 11 year old girl, who is the daughter of the defacto complainant, residing at his neighbourhood. It is alleged that on earlier occasions also he had committed sexual assaults on the girl. The petitioner has been in custody for the period from

21.12.2014 onwards.

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. At the same time, the allegations against the petitioner are very grave and serious. The contents of the CD, prima facie, reveal the complicity of the petitioner. 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, on strict conditions, for ensuring the safety and security of the victim.

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) Except for observing condition No.(ii) below, the petitioner shall not enter Malappuram District for a period of six months from today.

(ii) The petitioner shall report before the Investigating Officer in between 9 a.m. and 11 a.m. on all Wednesdays and Saturdays commencing from 25.02.2015 for a period of six months.

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

Sd/- B.KEMAL PASHA, JUDGE

ul/-

[True copy]

P.S. to Judge