

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. 861 of 2015

CRIME NO. 213/2015 OF KONDOTTY POLICE STATION , MALAPPURAM DISTRICT

PETITIONER(S)/ACCUSED :

**JAYARAJAN, AGED 46 YEARS,
SON OF DAMODARAN, KANNIPARAMBIL HOUSE, AZHINJILAM P.O,
MALAPPURAM.**

**BY SRI.M.K.DAMODARAN (SENIOR ADVOCATE)
ADVS.SRI.ALAN PAPALI
SRI.SOJAN MICHEAL
SRI.GILBERT GEORGE CORREYA
SRI.NISHIL.P.S.
SRI.J.VIMAL**

RESPONDENT(S)/COMPLAINANT :

**STATE OF KERALA,
(SUB INSPECTOR OF POLICE, KONDOTTY),
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM, KOCHI-682 031.**

BY PUBLIC PROSECUTOR SMT.LALIZA.T.Y

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 18-02-2015, ALONG WITH B.A.NO.855 OF 2015, THE COURT
ON THE SAME DAY PASSED THE FOLLOWING:**

Msd.

B.KEMAL PASHA, J.

.....
B.A. Nos.861 & 855 of 2015
.....

Dated this the 18th day of February, 2015

ORDER

Petitions filed under Section 439 Cr.P.C.

2. Two crimes have been registered against the petitioner as Crime Nos.213/15 & 214/2015 of the Kondotty Police Station, Malappuram.

3. The allegation against the petitioner is that on 04.02.2015 at 8.45 a.m., he made sexual overtures towards girls aged between 9 and 10, who were school going students, while they were on their way to their schools. Crime No.213/15 has been registered for the offences punishable under Sections 354 of the Indian Penal Code and Section 12 of the Protection of Children from Sexual Offences Act. Crime No.214/15 has been registered for the

offences punishable under Sections 509 IPC and Section 12 of the Protection of Children from Sexual Offences Act. The petitioner has been in custody for the period from 12.02.2015 onwards.

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

5. It seems that there were some acts from the part of the petitioner with a distorted mind; may be because of his mental perversions. At the same time, no criminal antecedents have been reported against the petitioner. It seems that he was dealt with by the local public and they reacted and reacted heavily, which had invited some injuries on him. In the absence of any criminal antecedents on his part, and having regard to the period undergone by the petitioner in custody, and also the fact that he was attacked by the local public, this Court is of the view that the petitioner can be enlarged on bail, on strict conditions.

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 Judicial First Class Magistrate's Court, 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 not tamper with the evidence or influence witnesses.

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

(v) The petitioner shall not involve in any offence while on bail.

It is made clear that the violation of any of the

B.A.No.861 & 855 of 2015

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conditions stipulated above will result in the cancellation of
bail.

Sd/- B.KEMAL PASHA, JUDGE

ul/-

[True copy]

P.S. to Judge