

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

FRIDAY, THE 20TH DAY OF FEBRUARY 2015/1ST PHALGUNA, 1936

Bail Appl..No. 881 of 2015 ()

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CRIME NO. 2159/2014 OF NORTH POLICE STATION, ERNAKULAM DISTRICT.**

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PETITIONER/ACCUSED:

**JAYA KUMAR, S/O.KRISHNAN,
AGED 35 YEARS, KODIVILA VEEDU, MURIKOOR,
EDATHARA, NILAMEL P.O., KOLLAM DISTRICT.**

BY ADV. SRI.V.A.AJIVAS.

RESPONDENT/COMPLAINANT AND STATE:

**STATE OF KERALA,
REPRESENTED BY CIRCLE INSPECTOR OF POLICE,
NORTH POLICE STATION IN ERNAKULAM DISTRICT,
THROUGH THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**

BY PUBLIC PROSECUTOR SMT.LALIZA. T.Y.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 20-02-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

rs.

B.KEMAL PASHA, J.

.....
B.A. No.881 OF 2015
.....

Dated this the 20th day of February, 2015

ORDER

Petition filed under Section 439 Cr.P.C.

2. Petitioner is the accused in Crime No.2159/2014 of the North Police Station, Ernakulam registered for the offences punishable under Sections 354 and 376(k) of the Indian Penal Code and Sections 3 and 4 of the Protection of Children from Sexual Offences Act.

3. The petitioner is the second husband of the mother of the defacto complainant girl. He is in the position of a step father to the victim girl and he was dominating her will. It is alleged that the minor girl was subjected to frequent sexual assault by the petitioner, by disregarding her resistance. Finally, it is alleged that he had committed rape on her forcibly against her will. Petitioner has been in custody for the period from 25.11.2014 onwards.

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

5. Still the investigation is not over and final report has not been filed. No criminal antecedents have been reported against the petitioner. At the same time, safety and security of the victim requires paramount consideration. 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.

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 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 Fridays and Tuesdays commencing from 27.02.2015 for a period of six months.

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

(iii) The petitioner shall neither contact the girl 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