

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

MONDAY, THE 23RD DAY OF FEBRUARY 2015/4TH PHALGUNA, 1936

Bail Appl..No. 927 of 2015 ()

CRIME NO. 10/2013 OF MARADU POLICE STATION, ERNAKULAM DISTRICT.

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PETITIONER/1ST ACCUSED:

**PRINCE, S/O.GEORGE JOSEPH,
AGED 30 YEARS, VALIYAVEETIL HOUSE,
THYCOODAM, VYTTLA, NOW RESIDING AT
RENTED HOUSE OF GEORGE,
KAITHOTTUNGAL HOUSE, MARTINPURAM,
MARADU.**

**BY ADVS.SRI.NAGARAJ NARAYANAN,
SRI.SAIJO HASSAN.**

RESPONDENT/STATE:

**STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**

BY PUBLIC PROSECUTOR SMT.LALIZA. T.Y.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 23-02-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

rs.

B. KEMAL PASHA, J.

.....
B.A. No.927 2015
.....

Dated this the 23rd day of February, 2015

ORDER

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Petition filed under Section 439 Cr.P.C.

2. Petitioner is the 1<sup>st</sup> accused in S.C. No.285/2013 pending before the Additional Sessions Court, Ernakulam for the trial of cases relating to atrocities and sexual violence against women and children.

3. The petitioner, along with his wife, stands indicted for the offences punishable under Sections 341 and 377 IPC, Sections 4 and 8 of the POCSO Act and Section 23 of the Juvenile Justice (Care and Protection of Children) Act. The offence under Section 23 of the Juvenile Justice (Care and Protection of Children) Act is alleged against the 2<sup>nd</sup> accused only. It seems that the petitioner was enlarged on bail in the case and subsequently, he failed to appear before the court below. It seems that he was absconding for a

pretty long period. The petitioner has surrendered before the court below on 10.02.105 and thereafter, he has been in custody.

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

5. The learned counsel for the petitioner has pointed out that his wife, who is the 2<sup>nd</sup> accused, was on the family way and the petitioner alone was there to attend his wife and, therefore, he could not appear before the court below. It is true that he was absconding for a pretty long period. At the same time, having regard to the period undergone by the petitioner in custody and the present stage of investigation, I am of the view that the petitioner can be enlarged on bail by ensuring his presence for trial before the court below.

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 Judicial First Class Magistrate's Court, 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 Mondays and Thursdays commencing from 02.03.2015 for a period of six months.*

*(ii) The petitioner shall not tamper with the evidence or influence witnesses.*

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

*(iv) 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)**

aks/23/02

*// True Copy //*

*PA to Judge*