

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

MONDAY, THE 2ND DAY OF MARCH 2015/11TH PHALGUNA, 1936

Bail Appl.No. 934 of 2015

CRIME NO. 46/2015 OF MAYYIL POLICE STATION, KANNUR
.....

PETITIONER(S)/ACCUSED:

**MOIDEENKUTTY P.P., AGED 55 YEARS,
S/O.ABDURAHIMAN, PARAMBIL PUTHIYA PURAYIL HOUSE,
PULLOOPPY, KANNADIPARAMBA, KANNUR DISTRICT.**

BY ADV. SRI.MATHEW KURIAKOSE

RESPONDENT(S)/COMPLAINANT:

**STATE OF KERALA,
(CRIME NO.46/2015 OF MAYYIL POLICE STATION),
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**

BY PUBLIC PROSECUTOR SRI.SREEJITH V.S.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
02-03-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

msv/

B. KEMAL PASHA, J.

.....
B.A. No.934 2015
.....

Dated this the 2nd day of March, 2015

ORDER

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Petition filed under Section 439 Cr.P.C.

2. Petitioner is the accused in Crime No.46/2015 of Mayyil Police Station registered for the offences punishable under Section 9 read with Section 10 of the Protection of Children from Sexual Offences Act, 2012.

3. The allegation against the petitioner is that by offering toffees, pen, etc., he had, on several occasions, committed sexual assault on a 11 year old girl by taking her inside his shop. The petitioner has been in custody for the period from 17.01.2015.

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

5. The contents of the CD reveal that the investigation of this case is practically over. No criminal

antecedents have been reported against the petitioner. It is true that the allegations against the petitioner are very grave and serious. 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 09.03.2015 for a period of six months.*

*(ii) Except for observing condition No.(i) above, the petitioner shall not enter the local limits of Mayyil Police Station for a period of six months from today.*

*(iii) The petitioner shall neither contact the girl or her family members nor 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)**

aks/02/03

*// True Copy //*

*PA to Judge*