

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

FRIDAY, THE 13TH DAY OF MARCH 2015/22ND PHALGUNA, 1936

Bail Appl..No. 1027 of 2015

CRIME NO. 124/2015 OF KANNAVAM POLICE STATION , KANNUR

PETITIONER(S)/6TH ACCUSED (IN CUSTODY):

**K.VIJAYAN, AGED 59 YEARS
S/O.RAMAN, SAMRUTHI, OLD ROAD
P.O.KUTHUPARAMBA, KANNUR DISTRICT.**

BY ADV. SRI.P.U.SHAILAJAN

RESPONDENT(S)/COMPLAINANT:

**STATE OF KERALA
REPRESENTING STATION HOUSE OFFICER
KANNAVAM POLICE STATION, KANNUR DISTRICT
THROUGH THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA
ERNAKULAM-682031.**

BY PUBLIC PROSECUTOR SMT.LALIZA T.Y.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 13-03-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

PJ

B.KEMAL PASHA, J.

.....
B.A. No.1027 OF 2015
.....

Dated this the 13th day of March, 2015

ORDER

Petition filed under Section 439 Cr.P.C.

2. Petitioner is the 6th accused in Crime No.124/2015 of the Kannavam Police Station, Kannur registered for the offences punishable under Section Section 376 of the Indian Penal Code and Sections 5(l) (m) (n) read with Section 6 of the Protection of Children from Sexual Offences Act.

3. The allegation against the petitioner is that he committed rape on a 13 year old girl, who is the defacto complainant. It is alleged that over and above the petitioner, A1 to A5 have also committed rape on the girl on several

occasions. The petitioner has been in custody for the period from 14.02.2015 onwards.

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

5. It is true that the allegations against the petitioner are very grave and serious. At the same time, it seems that no criminal antecedents have been reported against 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, I am of the view that the petitioner can be enlarged on bail, on strict conditions, by taking into consideration 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) The petitioner shall report before the Investigating Officer in between 9 a.m. and 11 a.m. on all Fridays and Tuesdays commencing from 20.03.2015 for a period of six months.

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

(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.

ul/-

Sd/- B.KEMAL PASHA, JUDGE

[True copy]

P.S. to Judge