

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

MONDAY, THE 9TH DAY OF MARCH 2015/18TH PHALGUNA, 1936

Bail Appl..No. 1036 of 2015 ()

CRIME NO. 91/2015 OF KOLATHUR POLICE STATION, MALAPPURAM

PETITIONER/ACCUSED :

**SIVADASAN, AGED 50 YEARS,S/O.KUNHADI,
KUNATHODI HOUSE, POOSALIKULAMBU
KOLATHUR P.O., MALAPPURAM DISTRICT.**

BY ADV. SRI.T.PRASAD

RESPONDENT/COMPLAINANT & STATE :

**STATE OF KERALA
REPRESENTED BY THE STATION HOUSE OFFICER, KOLATHUR,
THROUGH THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA
ERNAKULAM.**

BY PUBLIC PROSECUTOR SRI.V.S. SREEJITH

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 09-03-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

bp

B. KEMAL PASHA, J.

.....
B.A. No.1036 of 2015
.....

Dated this the 9th 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.91/2015 of Kolathur Police Station, Malappuram district, registered for the offences punishable under Section 377 IPC and Sections 7 and 8 of the Protection of Children from Sexual Offences Act, 2012.

3. The allegation against the petitioner is that on 24.01.2015 at 8.30 p.m., he took away a 10 year old boy and subjected him to carnal intercourse against the order of nature. The petitioner has been in custody for the period from 06.02.2015 onwards.

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

5. No criminal antecedents have been reported

against the petitioner. The allegations against the petitioner are very grave and serious. At the same time, 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 Mondays and Thursdays commencing from 16.03.2015 for a period of six months.

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

(iii) The petitioner shall neither contact the boy or his 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/09/03

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PA to Judge