

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

THURSDAY, THE 19TH DAY OF MARCH 2015/28TH PHALGUNA, 1936

Bail Appl..No. 1085 of 2015

CRIME NO. 7/2015 OF BADIADKA EXCISE RANGE OFFICE, KASARGOD
.....

PETITIONER(S)/ACCUSED:

**SAVITHRI B., AGED 55 YEARS,
W/O.NARAYANA NAIK, RESIDING AT SARPPAMANGALA VEETIL,
BANVATHADUKKA, ENMAKAJE VILLAGE, MANJESHWAR TALUK,
KASARAGOD DISTRICT.**

**BY ADVS.SRI.JAWAHAR JOSE
SRI.ARUN AJAY SHANKAR**

RESPONDENT(S)/STATE:

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

BY PUBLIC PROSECUTOR SSMT.LALIZA T.Y.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
19-03-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

msv/

B.KEMAL PASHA, J.

.....
B.A. No.1437 OF 2015
.....

Dated this the 19th day of March, 2015

ORDER

Petition filed under Section 439 Cr.P.C.

2. Petitioner is the accused in Crime No.278/2015 of the Vengara Police Station, Malappuram pending investigation for the offences punishable under Section 354 of the Indian Penal Code and Sections 5(m)(n) and 6 of the Protection of Children from Sexual Offences Act.

3. The allegation against the petitioner is that while the victim girl was 10 years old and while she was a 4th standard student, the petitioner, who is one of her relatives, had committed penetrative sexual assault on the girl. It

seems that the matter has been reported after two years. The petitioner has been in custody for the period from 23.02.2015 onwards.

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

5. It seems that the petitioner had again made an attempt to obtain the custody of the girl and still the victim girl is frightened about the activities of the petitioner. At the same time, no criminal antecedents have been reported against the petitioner. 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, by making sufficient safeguard for 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 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 Thursdays and Mondays commencing from 26.03.2015 for a period of six months.

(ii) Except for observing condition No.(i) above, the petitioner shall not enter Malappuram District 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.

Sd/- B.KEMAL PASHA, JUDGE

ul/-

[True copy]

P.S. to Judge