

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE B.KEMAL PASHA

TUESDAY, THE 3RD DAY OF MARCH 2015/12TH PHALGUNA, 1936

Bail Appl..No.1093 of 2015

(CRIME NO.12/2015 OF CHITTAR POLICE STATION,PATHANAMTITTA).

PETITIONER/2ND ACCUSED:

**RAMESH BABU,AGED 48 YEARS,S/O.GOPALA PILLAI,
KARAKKATTU KUNNEL HOUSE,
SEETHATHODE P.O & VILLAGE,KONNI TALUK,
PATHANAMTHITTA DISTRICT.**

**BY ADVS.SRI.V.SETHUNATH
SRI.V.R.MANORANJAN (MUVATTUPUZHA)**

RESPONDENTS/COMPLAINANT/STATE:

- 1. CIRCLE INSPECTOR OF POLICE,
CHITTAR POLICE STATION,
PATHANAMTHITTA DISTRICT,PIN-689 662.**
- 2. STATE OF KERALA,REP. 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 03-03-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

pk

B. KEMAL PASHA, J.

.....
B.A. No.1093 of 2015
.....

Dated this the 3rd day of March, 2015

ORDER

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Petition filed under Section 439 Cr.P.C.

2. Petitioner is the 2nd accused in Crime No.12/2015 of Chittar Police Station registered for the offences punishable under Sections 376 and 109 read with Section 34 IPC and Sections 4, 6 and 17 of the Protection of Children from Sexual Offences Act, 2012.

3. The allegation against the petitioner is that he has aided the 1st accused in committing rape on the de facto complainant minor girl at 12 noon on 05.01.2015. It is alleged that the autorickshaw being driven by the petitioner was made use by the 1st accused to take the girl and the same autorickshaw was made use of by the 1st accused in taking back the girl after committing rape on her. The petitioner has been in custody for the period from

06.01.2015 onwards.

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

5. It seems that the participation of the petitioner in the incident is minimal and at the most, the allegation may constitute an offence within the meaning of Section 109 IPC. Apart from that, there is no allegation that he committed any sexual act in the matter. The 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 and the present stage of investigation, I am of the view that the petitioner can be enlarged on bail.

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 Tuesdays and Fridays commencing from 10.03.2015 for a period of three months or till the filing of the final report in this case, whichever is earlier.

(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/03/03

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PA to Judge