

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

WEDNESDAY, THE 4TH DAY OF MARCH 2015/13TH PHALGUNA, 1936

Bail Appl..No. 1107 of 2015

CRIME NO. 705/2014 OF KELAKOM POLICE STATION, KANNUR.
.....

PETITIONER/1ST ACCUSED:

**SUNIL K.S.,
S/O. SUKUMARAN, AGED 30 YEARS,
KODDAYIKKAL HOUSE, CHAPPAMALA,
KOTTIYOOR, IRITTY TALUK, KANNUR DISTRICT.**

**BY ADVS.SRI.C.P.PEETHAMBARAN
SMT.MINI.V.A.**

RESPONDENT/COMPLAINANT:

**STATE OF KERALA,
REPRESENTED 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 04-03-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

mbr/

B. KEMAL PASHA, J.

.....
B.A. No.1107 of 2015
.....

Dated this the 4th day of March, 2015

ORDER

~ ~ ~ ~ ~

Petition filed under Section 439 Cr.P.C.

2. Petitioner is the first accused in Crime No.705/2014 of the Kelakam Police Station, Kannur district, registered for the offences punishable under Sections 341 and 354(A) of the Indian Penal Code, Section 3(1)(xi) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and Section 11 read with Section 12 of the Protection of Children from Sexual Offences Act.

3. The allegation against the petitioner is that while the defacto complainant girl, who is a 10th standard student, was walking through the road to the school, he forcibly caught hold of the girl and attempted to drag her into his autorickshaw. However, she escaped from the clutches of

the petitioner. The petitioner has been in custody for the period from 30.12.2014 onwards.

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

5. The contents of the CD, *prima facie*, reveal the complicity of the petitioner. The defacto complainant girl has got a specific case that on prior occasions also, the petitioner used to make sexual overtures towards her and had demanded her for having sex with him. On all such occasions, she refused. According to her, she had to be absent from the school for 21 days, on account of the frequent disturbances and intimidation from part of the petitioner. The allegations against the petitioner are very grave and serious. Over and above it, the learned Public Prosecutor has pointed out that the petitioner is an accused in five more criminal cases involving serious offences. The investigation is over and the final report has already been filed. Having regard to the period undergone by the

petitioner in custody, I am of the view that, as a last chance, 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 Wednesdays and Saturdays commencing from 11.03.2015 for a period of six months.

(ii) Except for observing condition No.(i) above and for appearing before the courts, the petitioner shall not enter Kannur district 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/04/03

// True Copy //

PA to Judge