

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

THURSDAY, THE 5TH DAY OF MARCH 2015/14TH PHALGUNA, 1936

Bail Appl..No. 1136 of 2015 ()

CRIME NO. 6/2015 OF PATHANAMTHITTA POLICE STATION, PATHANAMTHITTA

PETITIONER/ACCUSED:

**AKHIL VISWAKUMAR, AGED 21 YEARS,
S/O.VISWAKUMAR, THEKKEKKARA PUTHEN VEEDU,
KUMPALAM POIKA P.O, THAZHAM MURI,
MALAYALAPPUZHA, PATHANAMTHITTA DISTRICT.**

BY ADV. SRI.M.T.SURESHKUMAR

RESPONDENT/STATE &COMPLAINANT:

**STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM - 682 031.**

BY PUBLIC PROSECUTOR SRI.V.S.SREEJITH

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 05-03-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

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B. KEMAL PASHA, J.

.....
B.A. No.1136 of 2015
.....

Dated this the 5th 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.6/2015 of Pathanamthitta Police Station pending investigation for the offences punishable under Section 376 IPC and Sections 3 and 4 of the Protection of Children from Sexual Offences Act, 2012.

3. The allegation against the petitioner is that the minor girl aged 17 of the de facto complainant was enticed by the petitioner and she was taken away to his house and different places on 01.01.2015, where she was subjected to rape. The petitioner has been in custody for the period from 02.01.2015 onwards.

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

5. The petitioner is aged 21, and he is the brother of one of the friends of the victim. It is true that the allegations against the petitioner are very grave and serious. At the same time, no criminal antecedents have been reported against the petitioner. The contents of the CD reveal that the investigation of this case is practically over. 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, 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 Thursdays and Mondays commencing from 12.03.2015 for a period of six months.*

*(ii) Except for observing condition No.(i) above, the petitioner shall not enter the local limits of Pathanamthitta Police Station 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/05/03

// True Copy //  
PA to Judge