

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

**THE HONOURABLE MR. JUSTICE B.KEMAL PASHA**

**FRIDAY, THE 6TH DAY OF MARCH 2015/15TH PHALGUNA, 1936**

**Bail Appl..No. 1148 of 2015**  
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**CRIME NO. 2636/2014 OF MATHILAKAM POLICE STATION , THRISSUR DISTRICT**  
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**PETITIONER(S)/ACCUSED NO.1 & 2 :**  
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- 1. SUDHEESH, AGED 28 YEARS,  
S/O.SUKUMARAN, NADUMURI HOUSE, PANANGAD P.O,  
ANCHAMPURATHI DESOM, KODUNGALLUR TALUK,  
THRISSUR DISTRICT, PIN - 680 665.**
- 2. PRAMOD, AGED 36 YEARS,  
S/O.SANKARANARAYANAN, CHIRAYIL HOUSE, PANANGAD P.O,  
MULLAN BAZAR DESOM, KODUNGALLUR TALUK,  
THRISSUR DISTRICT, PIN - 680 665.**

**BY ADVS.SRI.K.J.MOHAMMED ANZAR  
SRI.T.B.GAFOOR  
SMT.P.R.SOPHIYA**

**RESPONDENT(S)/STATE & COMPLAINANT :**  
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- 1. STATE OF KERALA,  
REPRESENTED BY THE PUBLIC PROSECUTOR,  
HIGH COURT OF KERALA, ERNAKULAM, PIN - 682 031.**
- 2. THE STATION HOUSE OFFICER,  
MATHILAKAM POLICE STATION, THRISSUR DISTRICT, PIN - 680 685.**

**BY PUBLIC PROSECUTOR SRI.SREEJITH V.S**

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION  
ON 06-03-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Msd.

**B.KEMAL PASHA, J.**

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B.A. No. 1148 of 2015

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Dated this the 6<sup>th</sup> day of March, 2015

**ORDER**

Petition under Section 439 Cr.P.C.

2. Petitioners are A1 and A2 in Crime No.2636/2014 of Mathilakam Police Station registered for the offences punishable under Sections 7 and 8 of the POCSO Act.

3. It is alleged that the 1<sup>st</sup> petitioner was having illicit relationship with the mother of the victim girl aged 10. The 2<sup>nd</sup> petitioner is none other than the maternal uncle of the victim girl. The allegation against the petitioners is that they have repeatedly committed sexual assault on the victim girl by touching on her private parts. The petitioners had earlier moved this Court for anticipatory bail through Bail Application No.591/2015. Vide order dated 6.2.2015, this Court had granted an opportunity to the petitioners to surrender before the investigating officer and to co-operate with the investigation. Complying with the said direction, it seems that the petitioners

have surrendered before the investigating officer on 12.2.2015. Thereafter, they have been under custody.

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

5. It seems that the investigation of the case is practically over. No criminal antecedents have been reported against the petitioners. Considering the facts and circumstances of the case, and the present stage of the investigation, I am of the view that the petitioners can be enlarged on bail on strict conditions, by considering the safety and security of the victim.

6. In the result, this Bail Application is allowed and the petitioners shall be enlarged on bail on each of them 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 petitioners shall report before the Investigating Officer in between 9 am and 11 am on all Fridays and Tuesdays, commencing from 13.3.2015 for a period of six months.

(ii) Except for complying with the condition No.(i), the petitioners shall not enter Thrissur District for a period of six months.

(iii) The petitioners shall not contact the victim girl or make any attempt for the same, either directly or indirectly.

(iv) The petitioners shall not tamper with the evidence or influence witnesses.

(v) The petitioners shall make themselves available for interrogation as and when required by the Investigating Officer.

(vi) The Petitioners 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**

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