

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.1192 of 2015

(CRIME NO.66/2015 OF KUMBLA POLICE STATION,KASARGOD).

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PETITIONERS/ACCUSED:

1. **RAJESH,AGED 32 YEARS,S/O.LAGTE KRISHNAN,
PETWAD KADAPPURAM,KOIPADY VILLAGE,
KASARGOD TALUK AND DISTRICT.**
2. **DINESHA,AGED 32 YEARS,S/O.LATE KUMARAN,
KUNDANGARADAKA,KOIPADY VILLAGE,
KASARGOD TALUK AND DISTRICT.**

**BY ADVS.SRI.P.V.KUNHIKRISHNAN
SRI.P.V.ANOOP**

RESPONDENTS/COMPLAINANT & STATE:

1. **SUB INSPECTOR OF POLICE,
KUMBALA POLICE STATION,
KASARGODE-671 321.**
2. **STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,ERNAKULAM KOCHI-682 031.**

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:**

pk

B.KEMAL PASHA, J.

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B.A. No.1192 of 2015

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Dated this the 6th day of March, 2015

ORDER

Petition filed under Section 439 Cr.P.C.

2. The petitioners are A2 and A1, respectively, in Crime No.66 of 2015 of the Kumbbla Police Station, Kasaragod District, registered for the offences punishable under Section 354A of the Indian Penal Code and Sections 7, 8, and 9 of the Protection of Children from Sexual Offences Act, 2012.

3. The defacto complainant girl, aged 11 years, used to travel by auto-rickshaw of the 1st petitioner for going to her school and coming back. On 06.02.2015 at 4 p.m. while she was on her way back to her house from the school by the auto-rickshaw driven by the 1st petitioner, the 1st petitioner permitted the 2nd petitioner also to board the auto-rickshaw, and to sit together with the defacto complainant

girl. She was severely sexually assaulted by the 2nd petitioner. The said act of the 2nd petitioner was really appreciated and enjoyed by the 1st petitioner and he has never obstructed the acts of the 2nd petitioner. It seems that the 1st petitioner was hand in gloves with the 2nd petitioner in causing sexual harassment of the girl.

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

5. The learned counsel for the petitioners has pointed out that the 1st petitioner had suffered an accident, in which he sustained a fracture of his second cervical vertebral pedicle and 3rd cervical vertebral body with neurological deficit. The allegations against the petitioners are very grave and serious. At the same time, considering the medical record of the 1st petitioner, I am of the view that he can be enlarged on bail on conditions. Considering the seriousness of the allegations against the 2nd petitioner, I am of the view that he is not entitled to be enlarged on bail.

In the result, this Bail Application is allowed in part and

the 1st petitioner shall be enlarged on bail on his executing a bond for Rs.50,000/- (Rupees fifty thousand 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 1st petitioner shall report before the investigating officer in between 9 a.m. and 11 a.m. on all Fridays and Tuesdays commencing from 13.03.2015 for a period of six months.

(ii) Except for observing condition No.(i) above and for appearing before the court, the 1st petitioner shall not enter into the Kasaragod District for a period of six months from today.

(iii) The 1st petitioner shall neither contact the girl or her family members nor make any attempt for the same either directly or indirectly.

(iv) The 1st petitioner shall not tamper with the evidence or influence witnesses.

(v) The 1st petitioner shall make himself available for interrogation as and when required by the investigating officer.

(vi) The 1st 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.

This Bail Application, as far as the 2nd petitioner is concerned, is dismissed.

Sd/-

**B. KEMAL PASHA
JUDGE**

DSV/6/3/15

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P.A. To Judge