

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

WEDNESDAY, THE 11TH DAY OF MARCH 2015/20TH PHALGUNA, 1936

Bail Appl..No. 1293 of 2015 ()

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CRIME NO. 316/2015 OF CHATHANNOOR POLICE STATION,
KOLLAM DISTRICT
-----**

PETITIONER/SECOND ACCUSED :

**-----
SUJIN, AGED 27 YEARS
SON OF SURENDRAN, ASTAPADI, ANCHALUMMOODU,
MURUNTHAL CHERRY, THRIKKADAVOOR VILLAGE,
KOLLAM DISTRICT, PIN - 691 601.**

**BY ADVS.SRI.JOHNSON GOMEZ
SRI.S.BIJU (KIZHAKKANELA)**

RESPONDENT :

**-----
STATE OF KERALA, REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA AT ERNAKULAM THROUGH
THE ASSISTANT COMMISSIONER OF POLICE,
CHATHANNOOR, KOLLAM DISTRICT**

BY PUBLIC PROSECUTOR SMT. LALIZA T.Y.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 11-03-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

bp

B. KEMAL PASHA, J.

.....
B.A. No.1293 of 2015
.....

Dated this the 11th 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.316/2015 of Chathannoor Police Station registered for the offences punishable under Sections 7 and 8 of the Protection of Children from Sexual Offences Act, 2012 and Section 4(i)(1)(w)(i) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Ordinance, 2014.

3. It is alleged that the 1st accused used to make frequent sexual overtures towards a 14 year old girl belongs to a scheduled caste. She was being chased frequently by the 1st accused. She was caught hold of by A1, and her modesty was severely outraged. There were frequent sexual assaults on the girl from the part of the 1st accused. The

allegation against the petitioner is that he assisted the 1st accused in a way on one occasion by asking the girl as to why she should not love the 1st accused. The petitioner has been in custody for the period from 23.02.2015 onwards.

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

5. Apart from putting a sentence as noted above, it seems that no other overt acts are alleged against the petitioner. All the main overt acts are alleged against the 1st accused and all the allegations against the 1st accused are very grave and serious. No criminal antecedents have been reported against the petitioner. Considering the facts and circumstances of the case and the limited role allegedly played by the petitioner in the incident, 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 Wednesdays and Saturdays commencing from 18.03.2015 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/11/03

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PA to Judge