

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

THURSDAY, THE 12TH DAY OF MARCH 2015/21ST PHALGUNA, 1936

Bail Appl..No. 1308 of 2015 ()

CRIME NO. 126/2015 OF NADAKKAVU POLICE STATION, KOZHIKODE DISTRICT

PETITIONERS / ACCUSED 1 & 2 :

1. P.K.DASAN,
S/O. KRISHNAN, AGED 76 YEARS
KATTUVAYAL COLONY, ERANJIPALAM P.O.,
KOZHIKODE

2. SUBRAMANIAN @ KAPPAN,
S/O.MARIYAPAN, AGED 55 YEARS,
KATTUVAYAL COLONY, ERANJIPALAM P.O
KOZHIKODE

BY ADV. SRI.E.NARAYANAN

RESPONDENT/STATE/COMPLAINANT :

STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA
ERNAKULAM
(THE STATION HOUSE OFFICER
NADAKKAVU POLICE STATION, KOZHIKODE)

BY PUBLIC PROSECUTOR SRI. SREEJITH V.S.

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 12-03-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Mn

B. KEMAL PASHA, J.

.....
B.A. No.1308 of 2015
.....

Dated this the 12th day of March, 2015

ORDER

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Petition filed under Section 439 Cr.P.C.

2. Petitioners are the accused in Crime No.126/2015 of Nadakkavu Police Station, Kozhikode district, registered for the offences punishable under Sections 7 and 8 of the Protection of Children from Sexual Offences Act, 2012.

3. The allegation against the petitioners is that they have enticed two girls aged 7 and 10, who are the daughters of the de facto complainant, residing in the neighbourhood and sexually assaulted them severely on 06.02.2015. The petitioners have been in custody for the period from 10.02.2015 onwards.

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

5. The allegations against the petitioners are very grave and serious. At the same time, no criminal antecedents have been reported against the petitioners. The contents of the CD, *prima facie*, reveal the complicity of the petitioners. Having regard to the period undergone by the petitioners in custody, the present stage of investigation and the absence of any criminal antecedents on their part, I am of the view that the petitioners can be enlarged on bail by imposing conditions for the safety and security of the victims and the de facto complainant.

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 a.m. and 11 a.m. on all Thursdays and Mondays commencing from

19.03.2015 for a period of six months.

(ii) Except for observing condition No.(i) above, the petitioners shall not enter the local limits of Nadakkavu Police Station for a period of six months from today.

(iii) The petitioner shall neither contact the girls or their family members nor 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)

aks/12/03

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PA to Judge