

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

TUESDAY, THE 17TH DAY OF MARCH 2015/26TH PHALGUNA, 1936

Bail Appl..No. 1337 of 2015 ()

**(CRIME NO. 884/2014 OF PARIYARAM MEDICAL COLLEGE POLICE STATION ,
KANNUR)**

PETITIONER/ACCUSED:

**C.H.ABOOBACKER
S/O.ADAM KUTTY,
AGED 42 YEARS,
CHERIYANDEENTAKATH HOUSE
MUKKUNNU ROAD,
PO. KUPPAM,
PARIYARAM AMSOM,
TALIPARAMABA TALUK,
KANUR DISTRICT.**

**BY ADVS.SRI.V.A.SATHEESH
SRI.V.T.MADHAVANUNNI**

RESPONDENT/COMPLAINANT :

**STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERLA, THROUGH SHO
PARIYARAM MEDICAL COLLEGE POLICE STATION,
KANNUR DT.**

R1 BY PUBLIC PROSECUTOR SMT.LALIZA.T.Y.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 17-03-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

vmr.

B.KEMAL PASHA, J.

.....
B.A. No.1337 OF 2015

.....
Dated this the 17th day of March, 2015

ORDER

Petition filed under Section 439 Cr.P.C.

2. Petitioner is the first accused in Crime No.884/2014 of the Pariyaram Medical College Police Station, Kannur registered for the offences punishable under Section 376 of the Indian Penal Code and Sections 4 and 5 of Protection of Children from Sexual Offences Act.

3. The allegation against the petitioner is that on one Sunday during the month of June, 2011 he committed penetrative sexual assault on his own minor daughter who is the victim in this case and by threatening and intimidating her, he continued to have penetrative sexual assaults on the victim girl repeatedly on several occasions. Over and above

it, he has repeatedly supplied the girl at his own house to his friends who are the other accused in this case. The petitioner has been in custody for the period from 08.12.2014 onwards.

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

5. Presently this Court has no other go than to enlarge the petitioner on bail as the petitioner is entitled to to compulsive bail under Section 167(2) Cr.P.C. on account of the lethargic attitude of the investigating officer in completing the investigation. It is pity that in a case like this wherein a father has molested his own daughter and further supplied the girl by way of flesh trade and also have offered to most of his friends who are the other accused, investigation of this case has not been completed and final report has not been filed even though 90 days have elapsed after the taking of the prime accused who is the father of the victim girl, into custody.

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 Tuesdays and Fridays commencing from 24.03.2015 for a period of six months.

(ii) Except for observing condition No.(i) above, the petitioner shall not enter Kannur District for a period of six months from today.

(iii) The petitioner shall neither contact the girl, nor shall 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

ul/-

[True copy]

P.S. to Judge