

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE BABU MATHEW P.JOSEPH

WEDNESDAY, THE 9TH DAY OF SEPTEMBER 2015/18TH BHADRA, 1937

Bail Appl..No. 1364 of 2015 ()

**AGAINST THE ORDER IN CrI.MC 7414/2014 of HIGH COURT OF KERALA DATED
CRIME NO. 1020/2014 OF MANANTHAVADY POLICE STATION , WAYANAD**

PETITIONER(S)/APPLICANT/1ST ACCUSED:

**SHAJI JOSEPH AGED 46 YEARS
S/O.JOSEPH , DIRECTOR, SANSAVIO HOME
DWARAKA, NALLORNADU P.O, AMSHOM
MANANTHAVADY, WAYANAD**

**BY ADVS.SRI.KRISHNA PRASAD. S
SRI.B.SIBI
SRI.NOBEL RAJU**

RESPONDENT(S)/RESPONDENT/COMPLAINANT/STATE:

**STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA
REPRESENTING THE STATION HOUSE OFFICER
MANANTHAVADY POLICE STATION**

R BY PUBLIC PROSECUTOR SMT.M.MADHUBAN

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 09-09-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

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BABU MATHEW P. JOSEPH, J.

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B.A. No. 1364 of 2015

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Dated this the 9th day of September, 2015

ORDER

This petition is filed under Section 438 of Cr.P.C. for anticipatory bail.

2. Heard the learned counsel appearing for the petitioner and the learned Public Prosecutor appearing for the respondent. C.D. produced.

3. The petitioner is the first accused in Crime No.1020 of 2014 of Mananthavady Police Station. The offences alleged are under Sections 323, 324 and 354 of the Indian Penal Code, under Section 9 (d) read with Section 10 of the Protection of Children from Sexual Offences Act and under Section 23 of the Juvenile Justice (Care and Protection of Children) Act. Learned counsel for the petitioner submits that the petitioner is totally innocent of the allegations raised against him. He has no criminal antecedents. The investigation of the case is

almost over. The custodial interrogation of the petitioner is not required. The second accused in this case was already granted anticipatory bail by this Court by order dated 7.1.2015 on B.A.No.9115 of 2014. The allegations now raised in this case have not been raised by the children when they have given statements before the Police on 17.11.2014 in Crime No.1004 of 2014. The allegations now raised are at the instance of the Chairman of the Child Welfare Committee who is not in good terms with the petitioner in respect of the admission of a child to the orphanage being run by the petitioner. He further submits that the petitioner apprehends arrest by the police at any time.

4. Learned Public Prosecutor has opposed this petition. She admits the fact that the investigation of the case has progressed much. She submits that no criminal antecedents have been reported against the petitioner. On considering the facts and circumstances, stage of the investigation and the statement given by the children before the police on 17.11.2014 in Crime No. 1004 of

2014 as also the fact that the second accused in this case was already granted anticipatory bail, this Court is of the considered view that the petitioner can be granted anticipatory bail imposing appropriate conditions .

5. Therefore, the petitioner is granted anticipatory bail subject to the following conditions:

1) The petitioner shall surrender before the Investigating Officer on or before 16-09-2015.

In the event of his arrest, he shall be released on bail on his executing a bond for Rs. 25,000/- (Rupees twentyfive thousand only) with two solvent sureties each for the like sum to the satisfaction of the Investigating Officer.

2) The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him or her from disclosing such facts to the Court or to any Police Officer.

3) The petitioner shall make himself available for interrogation as and when required by the

Investigating Officer.

4) The petitioner shall not influence or intimidate the prosecution witnesses nor shall he attempt to tamper with the evidence for the prosecution.

5) The petitioner shall not commit any similar offence while on bail.

6) The petitioner shall not leave India without the previous permission of the concerned Magistrate's Court.

This petition is allowed as above.

**Sd/-
BABU MATHEW P. JOSEPH
JUDGE**

//TRUE COPY//

PA TO JUDGE

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