

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

MONDAY, THE 23RD DAY OF MARCH 2015/2ND CHAITHRA, 1937

Bail Appl..No. 1389 of 2015

**CRIME NO. 97/2015 OF THIRUVALLAM POLICE STATION,
THIRUVANANDAPURAM DISTRICT.**
.....

PETITIONER/ACCUSED:

**SANDEEP @ JOY, AGED 25,
S/O.KRISHNAN, ROY BHAVAN,
NEAR PALAPOORE JUNCTION,
KALLIYOOR VILLAGE, MUTTACAUD,
THIRUVANANTHAPURAM.**

BY ADV. SRI.SHAJIN S.HAMEED

RESPONDENT/STATE:

**STATE OF KERALA, REPRESENTED THROUGH
THE SUB INSPECTOR OF POLICE,
THIRUVALLAM POLICE STATION,
THIRUVANANTHAPURAM DISTRICT,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**

BY PUBLIC PROSECUTOR SMT.LALIZA.T.Y

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 23-03-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

mbr/

B.KEMAL PASHA, J.

.....
B.A. No.1389 OF 2015

.....
Dated this the 23rd day of March, 2015

ORDER

Petition filed under Section 439 Cr.P.C.

2. Petitioner is the accused in Crime No.97/2015 of the Thiruvallam Police Station, Thiruvananthapuram registered for the offence punishable under Sections 3 and 4 of the Protection of Children from Sexual Offences Act.

3. The allegation against the petitioner is that he enticed a 13 year old girl during the month of November, 2014 and on two days he committed sexual assault on the girl. It is alleged that, on the second day, he has committed penetrative sexual assault on the girl. The petitioner has been in custody for the period from 23.01.2015 onwards.

4. Heard learned counsel for the petitioner and the

learned Public Prosecutor. Perused the CD.

5. The contents of the CD, *prima facie*, reveal the complicity of the petitioner. It seems that no criminal antecedents have been reported against the petitioner. Having regard to the period undergone by the petitioner in custody, I am of the view that the petitioner can be enlarged on bail, on strict conditions, by ensuring the safety and security of the victim girl.

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 Mondays and Thursdays commencing from 30.03.2015 for a period of six months.

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

(iii) The petitioner shall neither contact the girl or her family members 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