

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. 1422 of 2015 ()

**CRIME NO. 346/2011 OF NORTH PARUR POLICE STATION,(CBCID, H,.H.W.-II,
ERNAKULAM DISTRICT)**

PETITIONER/ACCUSED NO.108 :

**ABRAHAM SEBASTIAN, AGED 59 YEARS,
S/O.SEBASTIAN, SANKOORIKKAL HOUSE,
MAMBILLY ROAD, NJARAKKAL VILLAGE,
ERNAKULAM DISTRICT.**

BY ADV. SRI.NIREESH MATHEW

RESPONDENT/COMPLAINANT :

**STATE OF KERALA
REP. BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM**

BY PUBLIC PROSECUTOR SRI. C. RASHEED

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

bp

B.KEMAL PASHA, J.

.....
B.A. No.1422 OF 2015

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

ORDER

Petition filed under Section 439 Cr.P.C.

2. Petitioner is the 108 accused in Crime No.111/2011 of C.B.C.I.D., H.H.W.II, Ernakulam, which has arisen from Crime No.346/2011 of the North Paravur Police Station, Ernakulam registered for the offences punishable under Sections 366A, 354, 342, 372, 373, 376(ii) (g), 506(i) and 109 read with Section 34 of the Indian Penal Code, Section 23 of the Juvenile Justice Act, 2000 and Sections 4, 5 and 6 of Immoral Traffic (Prevention) Act, 1956.

3. This is a case wherein a minor girl was ravished and raped by her own father who is the first accused and he has presented her before several persons including the

present petitioner by way of flesh trade, either directly or through various other pimps also. It is alleged that on one Sunday, during the month of December, 2009, the petitioner got custody of the girl through accused No.105 and he along with accused No.107 subjected the girl to rape at Njarakkal. Once again the petitioner reached Aluva, procured the victim in his Maruthi Alto Car, and took her to the house wherein he had earlier committed rape on her and he along with accused No.107 again sexually abused the victim girl. The petitioner has been in custody for the period from 21.01.2015 onwards.

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

5. No criminal antecedents have been reported against the petitioner. It seems that the investigation of this case is practically over. Continued detention of the petitioner in custody is not required for the continued investigation of this case. Considering the facts and circumstances of this

case and 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.

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 concerned Judicial First Class Magistrate's Court, and subject to the following terms and conditions:-

(i) The petitioner shall surrender his passport before the court below. In case he has no passport, an affidavit to that effect shall be filed.

(ii) 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.

(iii) Except for observing condition No.(ii) above, the petitioner shall not enter the local limits of the North Paravur Police Station, Ernakulam for a period of six months from

today.

(iv) The petitioner shall neither contact the girl, nor shall make any attempt for the same either directly or indirectly.

(v) The petitioner shall not tamper with the evidence or influence witnesses.

(vi) The petitioner shall make himself available for interrogation as and when required by the Investigating Officer.

(vii) 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