

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

THURSDAY, THE 19TH DAY OF MARCH 2015/28TH PHALGUNA, 1936

Bail Appl..No. 1433 of 2015

CRIME NO. 60/2015 OF MAYYIL POLICE STATION, KANNUR DISTRICT.
.....

PETITIONER/ACCUSED:

**MOIDEENKUTTY P.,
AGED 55 YEARS, S/O.ABDURAHIMAN,
PARAMBIL PUTHIYA PURAYIL HOUSE,
PULLOOPPY, KANNADIPARAMBA, KANNUR DISTRICT.**

BY ADV. SRI.MATHEW KURIAKOSE

RESPONDENT/COMPLAINANT:

**STATE OF KERALA,
(CRIME NO.60/2015 OF MAYYIL POLICE STATION),
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 19-03-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

mbr/

B. KEMAL PASHA, J.

.....
B.A. No.1433 2015
.....

Dated this the 19th day of March, 2015

ORDER

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Petition filed under Section 439 Cr.P.C.

2. Petitioner is the accused in Crime No.60/2015 of Mayyil Police Station, Kannur district, registered for the offences punishable under Sections 11 and 12 of the Protection of Children from Sexual Offences Act, 2012.

3. The allegation against the petitioner is that he used to make sexual overtures towards the 11 year old girl of the 6th standard of the Deshaseva U.P.School, on the occasions when the girl happened to go to the shop of the petitioner. He used to exhibit phonographic videos to the child and on several occasions, caught hold of the girl. The petitioner was arrested in connection with Crime No.46/2015 of the said police station for the very same offences and his arrest has been recorded in this case on 01.02.2015 while

he was undergoing detention in Crime No.46/2015.

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

5. It seems that the petitioner is a pedophile. The present case has been registered on getting the versions of the victim girl in Crime No.46/2015 of Mayyil Police Station. Apart from these two cases, no criminal antecedents have been reported against the petitioner. Having regard to the period undergone by the petitioner in custody and the present stage of investigation, 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 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 Thursdays and Mondays commencing from 26.03.2015 for a period of six months.

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

(iii) The petitioner shall neither contact the girl or her family members nor 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)

aks/19/03

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PA to Judge