

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

FRIDAY, THE 20TH DAY OF MARCH 2015/29TH PHALGUNA, 1936

Bail Appl..No. 1493 of 2015 ()

CRIME NO. 124/2015 OF KANNAVAM POLICE STATION , KANNUR

PETITIONER(S)/ACCUSED:

1. NASAR T.K
AGED 38 YEARS,
S/O.ABOOBACKER,
KUNNIMELTHAL,
KOTTAYAM POYIL,
KUTHUPARAMBA (P.O.),
KANNUR DISTRICT.

2. SAVAD.M.K.
AGED 20 YEARS,
12TH MILE,
MANATHERI (P.O.),
KUTHUPARAMBA (P.O.)
KANNUR DISTRICT.

BY ADVS.SMT.K.DEEPA (PAYYANUR)
SRI.V.R.NASAR

RESPONDENT(S)/COMPLAINANTS:

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

2. THE STATION HOUSE OFFICER
KANNAVAM POLICE STATION,
KANNUR DISTRICT.

R1 & R2 BY PUBLIC PROSECUTOR SMT.LALIZA T.Y.

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 20-03-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

B.KEMAL PASHA, J.

.....
B.A. No.1493 OF 2015
.....

Dated this the 20th day of March, 2015

ORDER

Petition filed under Section 439 Cr.P.C.

2. Petitioners are A4 and A1 respectively in Crime No.124/2015 of the Kannavam Police Station, Kannur registered for the offences punishable under Section 376 of the Indian Penal Code and Sections 5(l) (m) (n) read with Section 6 of the Protection of Children from Sexual Offences Act.

3. The allegation against the petitioners is that they have committed rape on a 13 year old girl, who is the defacto complainant. It is alleged that over and above the petitioners, A2, A3, and A5 had also committed rape on the

girl on several occasions. The petitioners have been in custody for the period from 16.02.2015 onwards.

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

5. It is true that the allegations against the petitioners are very grave and serious. At the same time, it seems that no criminal antecedents have been reported against the petitioners. The investigation of this case is practically over. Continued detention of the petitioners in custody is not required for the continued investigation of this case. Having regard to the period undergone by the petitioners in custody, I am of the view that the petitioners can be enlarged on bail, on strict conditions, by taking into consideration the safety and security of the victim.

6. In the result, this Bail Application is allowed and the petitioners shall be enlarged on bail on their executing a bond for ₹1,00,000/- (Rupees one lakh only) each with two solvent sureties each for the like sum each to the

satisfaction of the court below and subject to the following terms and conditions:-

(i) The petitioners shall report before the Investigating Officer in between 9 a.m. and 11 a.m. on all Fridays and Tuesdays commencing from 27.03.2015 for a period of six months.

(ii) Except for observing condition No.(i) above, the petitioners shall not enter the local limits of the Kannavam Police Station, Kannur for a period of six months from today.

(iii) The petitioners shall neither contact the girl or her family members nor shall make any attempt for the same, either directly or indirectly.

(iv) The petitioners shall not tamper with the evidence or influence witnesses.

(v) The petitioners shall make themselves available for interrogation as and when required by the Investigating Officer.

(vi) The petitioners 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