

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. 1517 of 2015 ()

**CRIME NO. 88/2015 OF ARUVIKKARA POLICE STATION, NEDUMANGAD,
THIRUVANANTHAPURAM**

PETITIONER/ACCUSED (IN CUSTODY) :

**THAMPI, AGED 81 YEARS
S/O.RAGHAVAN, RESIDING AT SARALA COLONY, IRUMBA
ARUVIKKARA, THIRUVANANTHAPURAM DISTRICT.**

**BY ADVS.SMT.MAJIDA S.
SRI.AJIKHAN M.**

RESPONDENT/COMPLAINANT :

**STATE OF KERALA,
REPRESENTED BY 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:**

Mn

B.KEMAL PASHA, J.

.....
B.A. No.1517 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.88/2015 of the Aruvikkara City Police Station, Thiruvananthapuram registered for the offence punishable under Section 377 of the Indian Penal Code and Sections 4, 8 and 12 of the Protection of Children from Sexual Offences Act.

3. The allegation against the petitioner is that on 17.02.2015 at 3 p.m., he enticed the six year old son of the defacto complainant, and subjected the boy to carnal intercourse, against the order of the nature. The petitioner

has been in custody for the period from 17.02.2015 onwards.

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

5. The learned counsel for the petitioner has pointed out that the petitioner is a 81 year old man. At the same time, it seems that he was earlier also involved in an offence of similar nature and the case was settled without proceeding further in the matter. 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 concerned 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 the local limits of the Aruvikkara Police Station, Thiruvananthapuram, for a period of six months from today.

(iii) The petitioner shall neither contact the boy or his 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.

ul/-

Sd/- B.KEMAL PASHA, JUDGE

[True copy]

P.S. to Judge