

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

FRIDAY, THE 27TH DAY OF MARCH 2015/6TH CHAITHRA, 1937

Bail Appl..No. 1641 of 2015 ()

CRIME NO. 62/2015 OF RAJAPURAM POLICE STATION , KASARGOD

PETITIONER(S)/ACCUSED:

**V.S. JOSEPH, AGED 69 YEARS
S/O.SCARIA, RESIDING AT ERINNHILAMKODE, P.O KOLICHAL
PANATHADY VILLAGE, VELLARIKUNDU TALUK
KASARAGOD DISTRICT.**

**BY ADVS.SRI.JAWAHAR JOSE
SRI.ARUN AJAY SHANKAR**

RESPONDENT(S)/STATE:

**STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA
ERNAKULAM KOCHI 682 031.**

BY PUBLIC PROSECUTOR SRI SHIBU JOSEPH

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 27-03-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

LSN

K. ABRAHAM MATHEW, J.

B.A. No. 1641 of 2015

Dated this the 27th day of March, 2015

ORDER

Petition filed under Section 439(1) Cr.P.C.

Petitioner is the sole accused in Crime No.62/2015 of Rajapuram Police Station in Kasaragode District registered for the offences under Section 376 of IPC and Section 3 r/w Section 4 of the Prevention of Children from Sexual Offences Act.

2. The allegation is that on 07.06.2014 and on different dates prior to it during a period of one year, the petitioner committed penetrative sexual assault on a 5 year old girl. The learned counsel submits that the First Information statement itself proves enmity between the victim's mother and the petitioner and the allegation is false.

3. Heard both sides.

4. The petitioner is aged about 70 years. He has been in custody since 11.02.2015. The investigation is almost complete. Having regard to the facts, I am inclined to grant the prayer.

In the result, this Bail Application is allowed with the following conditions.

1. The petitioner will be released on bail on his executing a bond for Rs.25,000/- (Rupees Twenty Five Thousand only) with two solvent sureties each for the like sum to the satisfaction of the learned Sessions Judge concerned.
2. He shall not contact or communicate with the victim girl and her family members.
3. He shall appear before the Investigating Officer between 11.a.m and 12.noon on all the 2nd and 4th Tuesdays for three months, or till the final report is filed, whichever is earlier.
4. He shall not threaten or attempt to influence the witness, nor shall he commit, while on bail, an offence similar to the offence which he is alleged to have committed; nor shall they destroy or attempt to destroy the evidence or interfere with the investigation.
5. In case of violation of any of the above conditions, the learned Sessions Judge is empowered to cancel the bail in accordance with the law.

**K. ABRAHAM MATHEW,
Judge**