

**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. 1666 of 2015 ()**

**CRIME NO. 82/2015 OF ENATH POLICE STATION, KOLLAM**

**PETITIONER/ACCUSED :**

**MUJEEB,  
AGED 18 YEARS, S/O.MUHAMMAD MUSTHAF  
MUJEEB MANZIL, AIVERKALA, NADUVILE MURI  
KUNNATHUR KOLLAM.**

**BY ADV. SMT.R. VIJAYA KUMARI**

**RESPONDENT/COMPLAINANT :**

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

**BY PUBLIC PROSECUTOR SRI. V.S. SREEJITH**

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

**Mn**

**K. ABRAHAM MATHEW, J.**

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**B.A. No. 1666 of 2015**  
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Dated this the 27<sup>th</sup> day of March, 2015

**ORDER**

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

Petitioner is the 2<sup>nd</sup> accused in Crime No.82/2015 of Enath Police Station, Pathanamthitta registered for the offences punishable under Sections 363,366,376,354 r/w 34 of IPC.

2. It is stated that he kidnapped a girl aged 13 years and committed rape on her. The learned counsel submits that the petitioner has been in custody from 13.02.2015 and his further detention is not necessary for completion of the investigation.

3. Heard both sides.

4. The petitioner is 18 years only and the co-accused 17 years. The fact that the latter was released on bail is not a ground to grant bail to the petitioner. But the fact that the petitioner is 18 years is a relevant fact. Considering that fact and the fact that he has been in custody since 13.02.2015, I am inclined to grant his 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/-with two solvent sureties each(one of the sureties shall be one of his parents or close relatives) for the like sum to the satisfaction of the learned Sessions Judge concerned.
2. He shall not contact or communicate with the victim girls.
3. He shall appear before the Investigating officer if he so required by him in writing.
4. In case of violation of any of the above conditions, the learned Magistrate/Sessions Judge is empowered to cancel the bail in accordance with the law.

**K. ABRAHAM MATHEW,  
Judge**

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