

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

MONDAY, THE 30TH DAY OF MARCH 2015/9TH CHAITHRA, 1937

Bail Appl..No. 1716 of 2015 ()

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

PETITIONER/5TH ACCUSED (IN CUSTODY) :

**SIRAJU, S/O. MOIDU K.V., AGED 42 YEARS,
MULLERI HOUSE, MANANTHERI P.O.,
THALASSERY TALUK, KANNUR DISTRICT.**

BY ADV. SRI.P.U.SHAILAJAN

RESPONDENT/COMPLAINANT:

**STATE OF KERALA,
REPRESENTATING STATION HOUSE OFFICER,
KANNAVAM POLICE STATION, KANNUR DISTRICT,
THROUGH THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM - 682 031.**

BY PUBLIC PROSECUTOR SRI.V.S.SREEJITH

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 30-03-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

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B.KEMAL PASHA, J.

.....
B.A. No.1716 of 2015
.....

Dated this the 30th day of March, 2015

ORDER

Petition filed under Section 439 Cr.P.C.

2. Petitioner is the 5th accused 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 petitioner and the other accused is that they have committed rape on a 13 year old girl, who is the defacto complainant, on several occasions.

The petitioner has been in custody for the period from 16.02.2015 onwards.

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

5. It is true that the allegations against the petitioner are very grave and serious. At the same time, it seems that no criminal antecedents have been reported against the petitioner. The investigation of this case is practically over. Continued detention of the petitioner in custody is not required for the continued investigation of this case. Having regard to the period undergone by the petitioner in custody, I am of the view that the petitioner 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 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 Mondays and Thursdays commencing from 06.04.2015 for a period of six months.

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

(iii) The petitioner shall neither contact the girl or her 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.

Sd/- B.KEMAL PASHA, JUDGE

ul/-

[True copy]

P.S. to Judge