

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. 1774 of 2015

CRIME NO. 1075/2014 OF MAYYIL POLICE STATION , KANNUR DISTRICT

PETITIONER(S)/ACCUSED :

**U.P.SHIHABUDEEN, AGED 26 YEARS,
S/O.IBRAHIM, UNNILANKANDY PUTHIYA PURAYIL HOUSE,
ERUVAPUZHA NAMBRAM P.O, PAVANNOREMOTTA,
KANNUR DISTRICT.**

**BY SRI.GRASHIOUS KURIAKOSE (SENIOR ADVOCATE)
ADV. SRI.GEORGE MATHEWS**

RESPONDENT(S)/COMPLAINANT :

**STATE OF KERALA,
STATION HOUSE OFFICER, MAYYIL POLICE STATION,
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 30-03-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

Msd.

B.KEMAL PASHA, J.

B.A.No.1774 of 2015

Dated this the 30th day of March 2015

ORDER

Petition filed under Section 439 Cr.P.C.

2. Petitioner is the accused in Crime No.1075/2014 of Mayyil Police Station, Kannur district registered for the offence punishable under Section 9(i) read with Section 10 of Protection of Children from Sexual Offences Act, 2012.

3. The allegation against the petitioner is that on 21.9.2014 and 24.12.2014, he had committed aggravated sexual assault on the victim girl, aged 15. The petitioner has been in custody for the period from 26.12.2014 onwards.

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

5. No criminal antecedents have been reported against the petitioner. At the same time, the allegations against the petitioner, in this case, are very grave and serious. The investigation of this case is practically over. Continued detention of the petitioner in custody is not required for the continued investigation of the case. Having regard to the period undergone by the petitioner in custody and the present stage of investigation, I am satisfied that the petitioner can be enlarged on bail by making a provision for 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 concerned Judicial First Class Magistrate's Court, and subject to the following terms and conditions:-

(i) The petitioner shall report before the Investigating Officer in between 9 am and 11 am on all Mondays and Thursdays, commencing from 6.4.2015, for

a period of six months.

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

(iii) The petitioner shall neither contact the victim 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**

dl

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P.A. to Judge