

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

TUESDAY, THE 31ST DAY OF MARCH 2015/10TH CHAITHRA, 1937

Bail Appl..No. 1793 of 2015 ()

CRIME NO. 539/2015 OF PERUMBAVOOR POLICE STATION, ERNAKULAM DISTRICT.

.....

PETITIONER/ACCUSED:

**VIJESH, AGED 22 YEARS,
S/O.VIJAYAN, CHULLIKKAD HOUSE,
NEAR MES COLLEGE, KUNNATHUKARA,
MARAMPILLY VILLAGE, NOW RESIDING
NEAR ERAYAMPUR TEMPLE, VELLAPPILLY KARA,
CHOWARA, THEKKUMBHAGAM VILLAGE.**

**BY ADVS.SRI.P.B.ASOKAN,
SRI.S.SREEKUMAR (ADUKKATH),
SRI.P.B.AJOY.**

RESPONDENT/COMPLAINANT:

**STATE OF KERALA,
THROUGH SUB INSPECTOR OF POLICE,
PERUMBAVOOR POLICE STATION,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682 031.**

BY PUBLIC PROSECUTOR SMT.LALIZA. T.Y.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 31-03-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

rs.

B. KEMAL PASHA, J.

.....
B.A. No.1793 of 2015
.....

Dated this the 31st day of March, 2015

ORDER

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Petition filed under Section 439 Cr.P.C.

2. Petitioner is the accused in Crime No.539/2015 of Perumbavoor Police Station registered for the offences punishable under Sections 376 and 450 IPC and Section 7 read with Section 8 of the Protection of Children from Sexual Offences Act, 2012.

3. The allegation against the petitioner is that he enticed the de facto complainant, who is a 15 year old girl, and he committed house trespass into the house of the de facto complainant at 8 p.m. on 22.01.2013 and committed rape on her by assuring her that he would marry her. Thereafter, on 20.07.2015 and on several other days, he had committed penetrative sexual assault on the girl by repeating the promise. The petitioner has been in custody for the period from 06.02.2015 onwards.

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

5. No criminal antecedents have been reported against the petitioner. The contents of the CD reveal that the investigation of this case is practically over. The continued detention of the petitioner in custody is not required for the continued investigation of this case. At the same time, safety and security of the victim girl has also to be considered. Having regard to the period undergone by the petitioner in custody, the present stage of investigation and the absence of any criminal antecedents on his part, I am of the view that the petitioner can be enlarged on bail.

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 Tuesdays and Fridays commencing from 07.04.2015 for a period of six months.

(ii) Except for observing condition No.(i) above, the petitioner shall not enter into Ernakulam district for a period of six months from today.

(iii) The petitioner shall neither contact the girl or her family members nor 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)

aks/31/03

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PA to Judge