

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

FRIDAY, THE 10TH DAY OF APRIL 2015/20TH CHAITHRA, 1937

Bail Appl..No. 1838 of 2015 ()

CRIME NO. 287/2015 OF KOLLENGODE POLICE STATION, PALAKKAD DISTRICT

PETITIONER/ACCUSED :

**MANIKKAN, AGED 50 YEARS
S/O.VELAYUDHAN, KANDANCHIRA, ANAMARI POST
MUTHALAMADA, KOLLENGODE, PALAKKAD.**

**BY ADVS.SRI.SAJAN VARGHEESE K.
SRI.LIJU M.P.**

RESPONDENT/COMPLAINANT :

**STATE OF KERALA,
REP. BY SUB INSPECTOR OF POLICE
KOLLENGODE POLICE STATION
REP. BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA,
ERNAKULAM.**

BY PUBLIC PROSECUTOR SRI. SREEJITH V.S.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 10-04-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Mn

B. KEMAL PASHA, J.

.....
B.A. No.1838 of 2015
.....

Dated this the 10th day of April, 2015

ORDER

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Petition filed under Section 439 Cr.P.C.

2. Petitioner is the accused in Crime No.287/2015 of Kollengode Police Station registered for the offences punishable under Sections 4 and 12 of the Protection of Children from Sexual Offences Act, 2012.

3. The allegation against the petitioner is that on 17.02.2015 during noon, he called the 14 year old mentally retarded daughter of the de facto complainant into the rice mill, where he was working, and subjected her to penetrative sexual assault. The petitioner has been in custody for the period from 18.02.2015 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 Fridays and Tuesdays commencing from 17.04.2015 for a period of six months.

(ii) Except for observing condition No.(i) above, the petitioner shall not enter the local limits of Kollengode Police Station 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/10/04

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PA to Judge