

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

MONDAY, THE 6TH DAY OF APRIL 2015/16TH CHAITHRA, 1937

Bail Appl..No. 1840 of 2015 ()

CRIME NO. 139/2015 OF IRIKKOOR POLICE STATION, KANNUR DISTRICT

PETITIONER/ACCUSED :

ASHRAF,
52 YEARS, S/O.MUHAMMED,
NADUVILATH PUTHIYAPURAYIL, IRIKKOOR
KANNUR DISTRICT.

BY ADVS.SMT.K.DEEPA (PAYYANUR)
SRI.V.R.NASAR

RESPONDENT/COMPLAINANT :

1. STATE OF KERALA
REP. BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM-31.

2. THE SUB INSPECTOR OF POLICE
IRIKKOOR POLICE STATION, PIN-670371.

R1 & R2 BY PUBLIC PROSECUTOR SRI. SREEJITH V.S.

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 06-04-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Mn

B. KEMAL PASHA, J.

.....
B.A. No.1840 of 2015
.....

Dated this the 6th 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.139/2015 of Irikkoor Police Station registered for the offences punishable under Section 377 IPC and Sections 7 and 8 of the Protection of Children from Sexual Offences Act, 2012.

3. The allegation against the petitioner is that on 05.03.2015 at 12 noon, while the de facto complainant boy was on his way to his house from the school, the petitioner enticed the boy and took him inside his shop and committed carnal intercourse against the order of nature on the boy. The petitioner has been in custody for the period from 06.03.2015 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 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 Mondays and Thursdays commencing from

13.04.2015 for a period of six months.

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

(iii) The petitioner shall neither contact the boy or his 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/06/04

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PA to Judge