

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.RAMAKRISHNAN

TUESDAY, THE 5TH DAY OF MAY 2015/15TH VAISAKHA, 1937

Bail Appl.No. 2176 of 2015

CRIME NO. 151/2015 OF ANCHUTHENGU POLICE STATION, THIRUVANANTHAPURAM
.....

PETITIONER(S)/ACCUSED:

**SUNI, AGED 33 YEARS,
S/O.HARIDAS, H.V.BHAVAN, ONNAMPALAM,
NEDUMKANDA, THIRUVANANTHAPURAM.**

BY ADV. SRI.M.L.SURESH KUMAR

RESPONDENT(S)/STATE:

**STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM, KOCHI-31.**

BY PUBLIC PROSECUTOR SRI.GITHESH R.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
05-05-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

msv/

K. RAMAKRISHNAN, J.

.....
B.ANo.2176 of 2015
.....

Dated this the 5th day of May, 2015.

O R D E R

The sole accused in Crime No.151/2015 of Anchuthengu police station has filed this application for regular bail under section 439 of the Code of Criminal Procedure.

2. The case of the prosecution in nutshell was that between 2.3.2013 and 24.2.2015 the accused had criminally trespassed into the house of the defacto complainant, who is a minor and kissed her and sexually abused her and thereby he had committed the offence punishable under sections 447, 506 (i) of the Indian Penal Code and section 7 read with section 8 and 11 (v) read with section 12 of the Protection of Children from Sexual Offences Act, 2012.

3. Heard the learned counsel for the petitioner Sri. Sureshkumar and the learned Public Prosecutor, Sri. Githesh and perused the case diary file.

4. The counsel for the petitioner submitted that the petitioner has not committed any offence and he is falsely implicated in the case. The petitioner was arrested on

9.3.2015 and he is in custody from that day onwards.

5. The application was opposed by the Public Prosecutor on the ground that investigation is not over. Perused the case diary file.

It is seen from the records that the above case was registered on the basis of the statement given by the victim girl alleging the above said offences. It is seen that the incident spread over for a period from 2.3.2013 to 24.2.2015 and the complaint was filed on 28.2.2015. I am not at this stage going into the question whether the allegations are sufficient to attract the offences alleged or not. However, the petitioner was arrested on 9.3.2015. Though the crime was registered against three named persons including the petitioner and one identifiable auto rickshaw driver, during investigation it was revealed that only the present petitioner had involved in the crime and others were deleted. Considering the nature of allegations, his custody is not required any more in connection with the investigation. The apprehension of the Public Prosecutor that if he is released on bail, he is likely to threaten the witnesses can be removed by imposing some stringent conditions. So the application is allowed with the following

conditions.

i. The petitioner shall be released on bail on executing a bond for Rs.50,000/- with two solvent sureties for the like sum each to the satisfaction of the Judicial First Magistrate Court-I, Varkala or of the Special Judge/Court designated, if any, constituted for this purpose.

ii. The petitioner shall appear before the investigating officer the last Saturday of every month between 9 a.m and 10 a.m till the final report is filed.

iii. The petitioner shall appear before the investigating officer for the purpose of interrogation in connection with the above crime as and when required in writing to do so till the final report is filed.

iv. The petitioner shall not enter the jurisdiction of Anchuthengu police station except for complying conditions 2 and 3 without getting prior permission from the Judicial First Class Magistrate Court-I, Varkala/Special Judge if any appointed for trying such cases till the final report is filed.

v. The petitioner shall not leave Thiruvananthapuram district without getting prior permission either from the Judicial First Magistrate Court-I, Varkala/Special Judge, if any,

appointed for trying such cases or from the court to which the case will be committed for trial till the disposal of the case.

With the above conditions, this application is allowed.

Sd/-

K. RAMAKRISHNAN, JUDGE.

cl

/true copy/

P.S to Judge

