

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

THURSDAY, THE 11TH DAY OF JUNE 2015/21ST JYAISHTA, 1937

Bail Appl..No. 3038 of 2015 ()

**CRIME NO. 365/2015 OF KASARAGOD POLICE STATION,
KASARGOD DISTRICT**

PETITIONERS/ACCUSED 2 & 3 :

- 1. ABDUL GAFOOR M., AGED 36 YEARS,
S/O.K.M.MOHAMMED, KALLANKAI, POST KUDLU,
KASARAGOD DISTRICT.**
- 2. KAREEM A., AGED 40 YEARS,
S/O.ABDULLA, CHOWKI, KUNIL HOUSE,
POST KUDLU, KASARAGOD DISTRICT.**

BY ADV. SRI.T.K.AJITH KUMAR

RESPONDENT/COMPLAINANT :

**STATE OF KERALA
BY THE SUB INSPECTOR OF POLICE,
KASARAGOD POLICE STATION
THROUGH THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**

BY PUBLIC PROSECUTOR SRI. DHANESH MATEHW MANJOORAN

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 11-06-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

bp

K. ABRAHAM MATHEW, J.

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B.A.No. 3038 of 2015

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Dated this the 11th day of June, 2015

O R D E R

Petition filed u/s.439 Cr.P.C.

2. Petitioners are alleged to have committed the offence under section 377 IPC and section 3(a) read with section 4 of the Protection of Children from Sexual Offences Act, 2012. It is alleged that they had carnal intercourse with a boy aged 14 years against the order of the nature.

3. Heard.

4. Learned counsel submits that petitioners are innocent and they have been in custody since 15.05.2015 and they may be granted bail. Some of the co-accused have been granted bail by the learned Sessions Judge under section 439 Cr.P.C. Further detention of the petitioners is not necessary for the completion of the investigation.

In the result, this application is allowed.

1) The petitioners will be released on bail on their executing a bond for Rs.25,000/- (Rupees twenty five thousand only) each with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate concerned.

2) The petitioners shall appear before the investigating officer between 10 a.m and 11 a.m. on every Wednesday for four months, or till the final report is filed, whichever is earlier.

3) They petitioners shall not intimidate or attempt to influence the witnesses, nor shall they get themselves involved in any other criminal case.

4) The petitioners shall surrender their passport before the lower concerned of if they do not have one, they shall file affidavits to that effect within five days of their release.

5) The petitioners shall not leave India without the previous permission of the court of enquiry or trial court as the case may be.

6)The petitioners shall not attempt to contact or communicate with the victim.

In case of violation, the lower court concerned is empowered to cancel the bail in accordance with the law.

Sd/-
K. ABRAHAM MATHEW,
JUDGE

DST

//True copy//

P.A. To Judge