

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.HARILAL

FRIDAY, THE 19TH DAY OF JUNE 2015/29TH JYAISHTA, 1937

Bail Appl..No. 3373 of 2015

CRIME NO. 1791/2015 OF PERUMBAVOOR POLICE STATION , ERNAKULAM

PETITIONER(S)/ACCUSED:

**ABOOBACKER, S/O.KOCHU, AGED 55 YEARS,
THACHARUKUDY HOUSE, MUDICKAL KARA, PERUMBAVOOR.**

BY ADV. SRI.P.A.MARTIN ROY

RESPONDENT(S)/COMPLAINANT/STATE:

**STATE OF KERALA,
REPRESENTED BY SUB INSPECTOR OF POLICE,
PERUMBAVOOR POLICE STATION,
THROUGH PUBLIC PROSECUTOR,
HIGH COURT OF KERALA.**

BY PUBLIC PROSECUTOR SMT.REMA. R.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 19-06-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

PJ

K.HARILAL, J.

B.A. No.3373 of 2015

Dated this the 19th day of June, 2015.

O R D E R

This is an application filed under Section 439 of the Code of Criminal Procedure seeking regular bail.

2. Petitioner is the sole accused in Crime No.1791/2015 of Perumbavoor Police Station for the offence punishable under Section 354A of the Indian Penal Code and Section 7 read with Sections 8 & 9(i) read with Section 10 of the Protection of Children from Sexual Offences (POCSO) Act, 2012. Allegation against the petitioner is that, one day, prior to one week from 25/4/2015, the petitioner took the daughter of the de facto complainant, a child aged 8 years only, to the house of the accused by promising biriyani, laid her on the kitchen floor and the accused lay on her body and kissed her.

3. The learned counsel for the petitioner submits that the petitioner is innocent of the

allegations levelled against him and he has been falsely implicated in the offence. Now the investigation is practically over and he is ready to co-operate with the investigation and to abide by any conditions to be imposed by this Court.

4. The learned Public Prosecutor, on instruction, submits that the petitioner was arrested on 8/5/2015 and if he is released on bail, he may influence the witnesses.

5. Having regard to the submissions at the Bar and considering the allegations levelled against the petitioner and the nature of further investigation to be conducted, it is felt that bail can be granted to the petitioner on stringent conditions. The application is accordingly allowed and the petitioner is granted bail on the following conditions:

- i. The petitioner shall be released on bail on his executing a bond for Rs.50,000/- (Rupees Fifty thousand only) with two solvent sureties each for the like sum to the satisfaction of the Judicial First Class Magistrate, Perumbavoor.

- ii. The petitioner shall report before the investigating officer as and when required.
- iii. The petitioner shall not tamper or attempt to tamper with the evidence and influence or try to influence the witnesses acquainted with the facts and circumstances of this case.
- iv. The petitioner shall not involve in similar offences during the pendency of the trial.
- v. If any of the conditions is violated, the bail granted shall stand cancelled and the learned Magistrate concerned, on being satisfied of the said fact, may take such proceedings as are available to him in law.

Sd/-
K. HARILAL, JUDGE

okb.