

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE BABU MATHEW P.JOSEPH

THURSDAY, THE 25TH DAY OF JUNE 2015/4TH ASHADHA, 1937

Bail Appl..No. 3414 of 2015 (B)

CRIME NO. 68/2015 OF CHOTTANIKKARA POLICE STATION, ERNAKULAM

PETITIONER/ACCUSED:

ANAND J.S @ NANDU AGED 19 YEARS
S/O.JAYAPRASAD, ANAND BHAVAN, AYIRAVALLY
PAKALKKURI P.O., PALLICKAL, THIRUVANANTHAPURAM.

BY ADV. SRI.C.P.UDAYABHANU

RESPONDENT/COMPLAINANT:

STATE OF KERALA
REPRESENTED BY THE SUB INSPECTOR OF POLICE(CRIME NO.68/15)
CHOTTANIKKARA POLICE STATION
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SMT.MADHUBEN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
25-06-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

BABU MATHEW P. JOSEPH, J.

B. A. No.3414 of 2015

Dated this the 25th day of June, 2015

ORDER

This petition is filed under Section 438 of Cr.P.C for anticipatory bail.

2. Heard the learned counsel appearing for the petitioner and the learned Public Prosecutor appearing for the respondent. C.D. produced.

3. The petitioner is the accused in Crime No.68 of 2015 of Chottanikkara Police Station. The offences alleged are under Section 376 of the Indian Penal Code and under Section 6 read with Section 5(j)(ii) of the Protection of Children from Sexual Offences Act. Learned counsel for the petitioner submits that the petitioner is innocent of the allegations raised against him. He is aged only 19. The de facto complainant was aged 17 at the time of the alleged occurrence. She has given birth to a child and both of them were being protected by the petitioner. They have, in fact,

entered into an agreement for getting married after attaining the required age. In such a circumstance, if the petitioner is arrested and sent to jail that will be highly detrimental to the interest of the de facto complainant and their child. The petitioner has no criminal antecedents. The investigation of the case is over. He further submits that the petitioner apprehends arrest by the police at any time.

4. Learned Public Prosecutor did not dispute the fact that still the petitioner and the de facto complainant are in good terms and they want to get married after attaining the marriageable age. She has also not disputed the fact that the girl and the child are being protected by the petitioner. In view of the peculiar facts and circumstances obtained in this case, the learned Public Prosecutor fairly and magnanimously submitted that she did not want to stand in the way of granting anticipatory bail to the petitioner. On considering the facts and circumstances of the case and the stage of the investigation, this Court is of the considered view that the petitioner can be granted anticipatory bail

imposing appropriate conditions.

5. Therefore, the petitioner is granted anticipatory bail subject to the following conditions:

- 1)The petitioner shall surrender before the Investigating Officer on or before 02-07-2015. In the event of his arrest, he shall be released on bail on his executing a bond for ₹ 25,000/- (Rupees twentyfive thousand only) with two solvent sureties each for the like sum to the satisfaction of the Investigating Officer.
- 2)The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him or her from disclosing such facts to the Court or to any Police Officer.
- 3)The petitioner shall make himself available for interrogation as and when required by the Investigating Officer.
- 4)The petitioner shall not influence or intimidate the

prosecution witnesses nor shall he attempt to tamper with the evidence for the prosecution.

5)The petitioner shall not commit any similar offence while on bail.

6)The petitioner shall not leave India without the previous permission of the concerned Magistrate's Court.

This petition is allowed as above.

Sd/-
BABU MATHEW P. JOSEPH
JUDGE

kns/-

//TRUE COPY//

P.A. TO JUDGE