

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

**THE HONOURABLE MR.JUSTICE K.HARILAL**

**WEDNESDAY, THE 1ST DAY OF JULY 2015/10TH ASHADHA, 1937**

**Bail Appl..No. 3721 of 2015 ()**

**CRIME NO. 616/2015 OF KILIMANOOR POLICE STATION,  
THIRUVANANTHAPURAM DISTRICT**

**PETITIONER(S)/ACCUSED NOS. 2 & 3:**

- 1. SANAL @ MON KUTTAN, AGED 24 YEARS,  
S/O.SAMBAN, LAKSHAM VEEDU, KUNNUVILA,  
VAKKAM VILLAGE, THIRUVANANTHAPURAM.**
- 2. RENJITH,AGED 22 YEARS,S/O.THULASI,  
VARYAMPURATH, NEAR OTTUPARAMBU TEMPLE,  
KADAKKAVOOR VILLAGE, THIRUVANANTHAPURAM.**

**BY ADVS.SRI.T.B.HOOD  
SMT.M.ISHA**

**RESPONDENT/STATE:**

**STATE OF KERALA,  
REPRESENTED BY THE SUB INSPECTOR OF POLICE,  
KILIMANOOR POLICE STATION- 695 601,  
THROUGH THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA,  
KOCHI -682 031.**

**BY PUBLIC PROSECUTOR SRI.SHIBU JOSEPH**

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION  
ON 01-07-2015, THE COURT ON THE SAME DAY PASSED THE  
FOLLOWING:**

**sts**

**K. HARILAL, J.**

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**B.A.No. 3721 of 2015**

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Dated this the 1<sup>st</sup> day of July, 2015

**ORDER**

This is an application for regular bail filed under Section 439 of the Code of Criminal Procedure, 1973.

2. The petitioners are accused Nos. 2 and 3 in Crime No.616 of 2015 of Killimanoor Police Station, Thiruvananthapuram, registered for the offences punishable under Sections 366A, 376 read with Section 34 of the Indian Penal Code, Sections 3 and 4 of the Protection of Children from Sexual Offences Act, 2012 and Section 3(2)(v) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.

3. Initially, the case was registered on 19.05.2015 under Section 57 of the Kerala Police Act on the basis of the statement given by one 'Sri. Anu' that her sister was missing from 9 a.m. on 18.05.2015. While the case was under investigation, Kilimanoor police got information that the missing girl was at Thampanoor Police Station. In her statement to police, the victim alleged that the first accused lured her to Ervady, where she was sexually

abused by the second accused. So the offences were altered and incorporated offences under Sections 366A, 376 read with Section 34 of the Indian Penal Code, Sections 3 and 4 of the Protection of Children from Sexual Offences Act, 2012 and 3(1)(xii) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989. Later, offence under Section 363 of IPC was deleted and 3(1)(xii) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 was substituted with Section 3(2)(v) of the same Act. The petitioners were arrested on 21.05.2015.

4. Heard the learned counsel for the petitioners and the learned Public Prosecutor.

5. The learned counsel for the petitioners submits that the petitioners are innocent of the allegations levelled against them and they are falsely implicated in the offence without proper investigation. The investigation is practically over and a continued detention is not necessary. They are ready to abide the conditions which may be imposed by this Court while granting bail.

6. The learned Public Prosecutor on instructions submits that the petitioners are accused No. 2 and 3 in Crime No.616 of

2015 registered for the offences stated above. If they are released on bail, they may tamper with the evidence and influence the witnesses. So also investigation is not over.

7. Having regard to the nature and gravity of the offence and the present stage of investigation and the time availed by the Police to investigate the crime after the arrest. I find that the petitioners can be released on bail on stringent conditions.

Hence, this application will stand allowed on following conditions.

- i. *The petitioners shall be released on bail on their executing a bond for Rs.50,000/- (Rupees fifty thousand only) each with two solvent sureties each for the like sum to the satisfaction of the Judicial First Class Magistrate's Court concerned.*
- ii. *The petitioners shall report before the investigating officer on every Tuesday and Friday at 10 a.m. for a period of two months.*
- iii. *The petitioners shall surrender their passport before the lower court concerned or if they do not have one, they shall file an affidavit to that effect within five days of their release.*
- iv. *They shall not involve in any similar offences during the course of trial.*
- v. *They shall not tamper or attempt to tamper with the*

*evidence or influence or try to influence the witnesses.*

*If the petitioners violate any of the above conditions, this bail will stand cancelled automatically, and in that event the court below on satisfaction of the facts, will be at liberty to proceed against the petitioners, in accordance with law.*

Sd/-  
**K. HARILAL,**  
**JUDGE**

DST

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P.A. To Judge