

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. 3727 of 2015

CRIME NO. 1248/2014 OF THOPPUMPADY POLICE STATION, ERNAKULAM DISTRICT.
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PETITIONER/ACCUSED NO.2:

**VIBIN, S/O.XAVIER, AGED 30 YEARS,
THERIPARAMBIL HOUSE, 9, NAZARETH,
KOCHI-682 002, ERNAKULAM DISTRICT.**

BY ADV. SRI.T.K.AJITHKUMAR (VALATH)

RESPONDENT/COMPLAINANT:

**STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA.**

BY PUBLIC PROSECUTOR SRI.C.RASHEED

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

mbr/

K. HARILAL, J.

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B.A.No. 3727 of 2015

Dated this the 1st day of July, 2015

ORDER

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

2. The petitioner is the 2nd accused in Crime No.1248 of 2014 of Thoppumpady Police Station, registered for the offences punishable under Section 376 of the Indian Penal Code and Section 3(a) of the Protection of Children from Sexual Offences Act, 2012.

3. The allegation against the petitioner is that he contacted the *de facto* complainant thorough telephone and had sexual intercourse with the victim who is a minor aged 17 years at a lodge at Edappally and thereby committed the offence alleged against him. The petitioner was arrested on 28.05.2015 and produced before the Judicial Magistrate Court-I, Kochi on 29.05.2015 and remanded to judicial custody.

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

5. The learned counsel for the petitioner submits that the

petitioner is innocent of the allegations levelled against him and he is falsely implicated in the crime without proper investigation. He is ready to co-operate with the investigation and to abide any conditions which may be imposed by this Court. Now the investigation is practically over and continued detention is not necessary for further investigation.

6. The learned Public Prosecutor on instructions submits that the petitioner is the 2nd accused in the above crime registered for the offences stated above and he was arrested on 29.05.2015 and remanded to judicial custody. It is also submitted that the investigation is not over and if the petitioner is released on bail, he may tamper with the evidence and influence the witnesses.

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

Hence, this application will stand allowed on 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's Court concerned.

- ii. The petitioner shall report before the investigating officer as and when required.*
- iii. He shall not involve in any similar offences during the course of trial.*
- iv. He shall not tamper or attempt to tamper with the evidence or influence or try to influence the witnesses.*

If the petitioner violates 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 petitioner, in accordance with law.

Sd/-
K. HARILAL,
JUDGE

DST

//True copy//

P.A. To Judge