

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. 3733 of 2015 ()

CRIME NO. 1028/2015 OF ADOOR POLICE STATION, PATHANAMTITTA

PETITIONER/ACCUSED :

THOUFEEK ALI, AGED 25 YEARS,
S/O.RASHID ALI, CHARUVILAPUTHEN VEEDU, ERATHU MURI
ERATHU VILLAGE, VADAKKADATHUKAVU,
PATHANAMTHITTA DISTRICT.

BY ADVS.SRI.KRISHNA PRASAD. S
SRI.B.SIBI
SRI.NOBEL RAJU

RESPONDENT/COMPLAINANT :

STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA REPRESENTING THE SI
OF POLICE, ADOOR POLICE STATION.

BY PUBLIC PROSECUTOR SRI.V.S. SREEJITH

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

bp

K. HARILAL, J.

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B.A.No. 3733 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 sole accused in Crime No.1028 of 2015 of Adoor Police Station, registered for the offence punishable under Section 363 of the Indian Penal Code and under Sections 7 and 8 of the Protection of Children from Sexual Offences Act, 2012.

3. Initially, the crime was registered under Section 57 of the Kerala Police Act on the basis of the complaint filed by the father of the victim girl by name 'Riya' aged 16 years. The allegation in the complaint filed by the father of the *de facto* complainant is that his daughter Riya was found missing from 20.05.2015 onwards. During the course of investigation, it was found that the victim was kidnapped by the petitioner herein and they were arrested from Thrissur on 23.05.2015. The petitioner was produced before the Magistrate Court, Adoor and remanded

to judicial custody.

4. The learned counsel for the petitioner submits that the petitioner is innocent of the allegations levelled against him. In fact, the petitioner and the daughter of the *de facto* complainant are in love and both are willing get married. Now the investigation is practically over and continued detention is not necessary for further investigation. The petitioner is ready to co-operate with the investigation and to abide any of the conditions which may be imposed by this Court while granting bail.

5. The learned Public Prosecutor on instructions submits that the investigation is not over and his presence is required for further investigation. He was arrested on 23.05.2015 on the allegation that he has committed offences punishable under Section 363 of the Indian Penal Code and under Sections 7 and 8 of the Protection of Children from Sexual Offences Act, 2012. If he is released on bail, he may flee away from the process of law.

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

7. Having regard to the considerable progress achieved in investigation, I find that the petitioner can be released on bail on stringent conditions.

In the result, this bail application is allowed.

- 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 appear before the investigating officer as and when required.*
- iii. *The petitioner shall surrender his passport before the lower court concerned or if he does not have one, he shall file an affidavit to that effect within five days of his release.*
- iv. *He shall not involve in any similar offences during the course of trial.*
- v. *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