

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.HARILAL

THURSDAY, THE 2ND DAY OF JULY 2015/11TH ASHADHA, 1937

Bail Appl..No. 3769 of 2015 ()

CRIME NO. 210/2015 OF KUMBLA POLICE STATION, KASARGOD

PETITIONER/ACCUSED :

**ISMAIL, AGED 60 YEARS,
S/O.ABDULLA, RESIDING AT MUTHOOT HOUSE,
KAYYAR VILLAGE, MANJESHA TALUK, KASARGOD.**

BY ADV. SRI.T.G.RAJENDRAN

RESPONDENTS :

**1. STATION HOUSE OFFICER,
KUMBALA POLICE STATION,
KASARGOD DISTRICT-673 122.**

**2. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682 031.**

BY PUBLIC PROSECUTOR SRI. DHANESH MATHEW MANJOORAN

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 02-07-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

bp

K.HARILAL, J.

B.A. No.3769 of 2015

Dated this the 2nd day of July, 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 herein is the accused in Crime No.210/2015 of Kumbala Police Station registered for the alleged commission of the offence punishable under Section 511 read with Section 376 of the Indian Penal Code and Section 5(m) read with Section 6 of the Protection of Children from Sexual Offences Act. The allegation against the petitioner is that on 9.4.2015 at about 12 noon, while the victim aged 7 years was with her brother and other children at her grand mother's house at Kayyar Village, the petitioner called her and other children to his house. Thereafter he took the victim child to the kitchen and after removing her inner dress, he tried to penetrate his organ into her vagina. She immediately cried and went out of the

house and reported the matter to her mother. The victim was admitted in District Hospital, Kumbbla, from where a woman police officer recorded her statement and on the basis of her statement, the crime was registered. Thus, the petitioner has committed the offence alleged against him. He was arrested on 10.4.2015.

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

4. The learned counsel for the petitioner submits that the petitioner is innocent of the allegations levelled against him and the investigation is almost over.

5. The learned Public Prosecutor, on instruction, submits that the petitioner is the sole accused in the above crime registered for the commission of the alleged offence as stated above. He was arrested on 10.4.2015. He apprehends that if the petitioner is released on bail, he may tamper with the evidence and influence or intimidate the witnesses acquainted with the facts and circumstances of the case.

6. Having regard to the duration of the period in which the petitioner has already undergone pre-trial incarceration and the fact that the investigation of the case is practically over, I find that bail can be granted to him on stringent conditions. The application is accordingly allowed and the petitioner is released on bail on the following conditions:

- i. The petitioner shall be released on bail on his executing a bond for Rs.50,000/- (Rupees One lakh only) with two solvent sureties each for the like sum to the satisfaction of the learned Sessions Judge, Kasaragod.
- ii. The petitioner shall report before the investigating officer on every Monday and Thursday at 10 A.M. for a period of two months and thereafter, as and when required by him.
- 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. If any of the conditions is violated, the bail granted shall stand cancelled and the learned

Sessions Judge concerned, on being satisfied of the said fact, may take such proceedings as are available to him in law.

K. HARILAL, JUDGE

okb.