

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

THURSDAY, THE 19TH DAY OF NOVEMBER 2015/28TH KARTHIKA, 1937

Bail Appl..No. 3860 of 2015 ()

CRIME NO. 412/2015 OF MELATTOOR POLICE STATION, MALAPPURAM DISTRICT.

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PETITIONER/ACCUSED:

**N. ABOOBACKER, S/O. UNNEENKUTTY HAJI,
AGED 64 YEARS, NANNATTU HOUSE,
VELLIYANCHERY P.O, MELATTOOR,
MALAPPURAM DISTRICT.**

BY ADV. SRI.BABU S. NAIR.

RESPONDENTS/STATE & DEFACTO COMPLAINANT:

- 1. THE STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM, KOCHI -682 031.**
- 2. THE SUB INSPECTOR OF POLICE,
MELATTOOR POLICE STATION,
MALAPPURAM DISTRICT, PIN -679 326.**
- 3. BASHEER, S/O. MOIDEEN,
ARAKKAL HOUSE, VELIYANCHERY,
MELATTOOR, MALAPPURAM DISTRICT, PIN -679 326.**

**R1 & R2 BY PUBLIC PROSECUTOR SMT.R. REMA.
R3 BY ADV. SRI.K.RAKESH.**

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 19-11-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

rs.

A. HARIPRASAD, J.

Bail Appl. No.3860 of 2015

Dated this the 19th day of November 2015

O R D E R

Bail application filed under Sec.438 Cr.P.C.

2. Petitioner is the accused in Crime No.412 of 2015 of Melattoor Police station registered for the offences punishable under Sec.377 of the Indian Penal Code and Secs.7 and 8 of the Protection of Children from Sexual Offences Act. Prosecution case in short is that, on on 20.06.2015, the petitioner sexually assaulted a ten year old boy against the order of nature.

3. Heard the learned counsel for the petitioner, counsel for the defacto complainant and the learned Public Prosecutor.

4. Learned counsel for the petitioner submitted that the petitioner was a government employee. After his retirement, he is actively involved in social activities. On account of factual fight in an organisation, the petitioner is falsely implicated in this case.

5. Learned counsel for the defacto complainant

also submitted that the matter has been talked over and the defacto complainant has no grievance against the petitioner.

5. Learned Public Prosecutor produced the statement of the victim in the case diary to show that the allegations against the petitioner are prima facie incorrect.

Considering the nature of allegations, pre arrest bail is granted to the petitioner with the following conditions.

1. In the event of arrest in Crime No.412 of 2015 of Melattoor Police station, the petitioner shall be released on his executing a bond for Rs.25,000/- (Rupees twenty five thousand only) with two solvent sureties each for the like sum to the satisfaction of the investigating officer making the arrest.

2. The petitioner shall appear before the Investigating Officer for interrogation as and when directed by him in writing.

3. The petitioner shall not intimidate or attempt to influence the witnesses, nor shall he tamper with the evidence.

In case of violation of any of the above conditions, the learned Special Judge is empowered to cancel the bail in accordance with law without referring the matter to this Court.

Sd/-
A. HARIPRASAD
JUDGE

/ True Copy /

NS/19/11/2015

P.A. To Judge