

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.HARILAL

MONDAY, THE 27TH DAY OF JULY 2015/5TH SRAVANA, 1937

Bail Appl..No. 4410 of 2015

CRIME NO. 194/2015 OF KODAL POLICE STATION, PATHANAMTHITTA DISTRICT

APPLICANT(S)/ACCUSED NO 2 :

**ASHIF @ PANKU, AGED 24 YEARS,
S/O.ASHRAF, SAJIDA BHAVAN, PADAMKURINJI,
PATHANAPURAM VILLAGE, PATHANAPURAM TALUK.**

BY ADV. SRI.AJEESH K.SASI

RESPONDENT(S)/COMPLAINANT :

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

BY PUBLIC PROSECUTOR SRI.V.S.SREEJITH

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 27-07-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

Msd.

K. HARILAL, J.

B.A. No.4410 of 2015

Dated this the 27th day of July, 2015

ORDER

This is an application for regular bail filed under Sec.439 of the Cr.P.C.

2. The petitioner is the 2nd accused in Crime No.194 of 2015 of Koodal Police Station registered alleging the offences punishable under Secs.366, 366A, 376 and 120B of the Indian Penal Code read with Secs.5, 6 and 17 of the Protection of Children from Sexual Offences Act.

3. The prosecution allegation is that on 6/4/2015 one Sulochana, wife of Sugathan had given First Information Statement before the Sub Inspector of Police, Koodal, that her daughter 17 years old Soorya

was missing from her residence on the same day at 1.30 a.m. and she was suspecting one Shibin @ Kochumon, who is her neighbour, in connection with the missing of her daughter. During the course of investigation, the police got reliable information that the girl is at Bangalore along with the 1st accused. On 19/4/2015, the victim, along with the 1st accused, were taken to Koodal Police Station and the victim had given a statement that the 1st accused procured her with an intention to satisfy his lust and had sexual contact at Bhavani Lodge, Bangalore, and the 2nd accused conspired with the 1st accused to commit the said offence by providing accommodation and thereby committed the offence alleged against him.

4. The learned counsel for the petitioner submits that now the investigation is practically over and the petitioner was arrested on 28/5/2015. He is ready to co-operate with the investigation and also to abide by any condition that may be imposed by this Court.

5. The learned Public Prosecutor submits that

final report has been filed against accused Nos.1, 2, 3 and 4 on 14/7/2015 and the investigation is over.

6. Having regard to the duration of the period in which the petitioner had already undergone the pre-trial incarceration, the fact that the police has already got sufficient time to proceed with the investigation and the submission of the learned Public Prosecutor that the final report has been filed against the accused, bail can be granted to the petitioner on stringent conditions. Hence this application is allowed and the petitioner shall be released on bail on the following conditions:

(i) The petitioner shall be released on bail on his executing a bond for ₹50,000/- (Rupees Fifty thousand only) with two solvent sureties each for the like sum to the satisfaction of the learned Sessions Judge, Pathanamthitta.

(ii) The petitioner shall report before the Investigating Officer as and when required.

(iii) The petitioner shall not tamper or attempt to tamper with the evidence or influence or try to influence the witnesses.

(iv) If any of the conditions is violated, the bail granted to the petitioner shall stand cancelled and the learned Sessions Judge concerned on being satisfied of the said fact, may take steps as are available to him in law.

Sd/-

(K. HARILAL, JUDGE)

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P.S. to Judge