

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE BABU MATHEW P.JOSEPH

WEDNESDAY, THE 2ND DAY OF SEPTEMBER 2015/11TH BHADRA, 1937

Bail Appl..No. 4555 of 2015 (D)

AGAINST THE ORDER IN CRMC 1114/2015 of SESSIONS COURT,MANJERI
DATED 23-07-2015
CRIME NO. 1014/2015 OF MANJERI POLICE STATION , MALAPPURAM

PETITIONER/ACCUSED:

MUHAMMED NIYAS T.T. AGED 20 YEARS
S/O UMMER T.T., THEKKUMTHOTTATHIL HOUSE, KIDANGAZHI
KARUVAMBRAM, MALAPPURAM DISTRICT

BY ADV. SRI.BABU S. NAIR

RESPONDENTS/STATE & COMPLAINANT:

1. THE STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERAL, ERNAKULAM KOCHI-682 031

2. THE SUB INSPECTOR OF POLICE
MANJERI POLICE STATION
MALAPPURAM DISTRICT-PIN-676 121

RADDL.3 BY ADV. SRI.P.SAMSUDIN
RADDL.3 BY ADV. SRI.JITHIN LUKOSE
BY PUBLIC PROSECUTOR SRI.THOMAS JOHN AMBOOKAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
02-09-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

BABU MATHEW P. JOSEPH, J.

B. A. No.4555 of 2015

Dated this the 2nd day of September, 2015

ORDER

This petition is filed under Section 438 of Cr.P.C for anticipatory bail.

2. Heard the learned counsel appearing for the petitioner and the learned Public Prosecutor appearing for the respondents. I have also heard the learned counsel appearing for the father of the alleged victim. C.D. produced.

3. The petitioner is the accused in Crime No.1014 of 2015 of Manjeri Police Station. The offences alleged are under Sections 341 and 354A of the Indian Penal Code and under Section 12 read with Section 11(iv) of the Protection of Children from Sexual Offences Act. Learned counsel for the petitioner submits that the petitioner is innocent of the allegations raised against him. He is aged only 20. He has no criminal antecedents. The custodial interrogation of the petitioner is not required in this case. He further submits

that the petitioner apprehends arrest by the police at any time.

4. The Case Diary shows that the investigation of the case has progressed much. Learned Public Prosecutor has opposed this petition. He admits that no criminal antecedents have been reported against the petitioner. Learned counsel appearing for the father of the alleged victim has also opposed this petition. He submits that the investigation of the case is yet to be completed. If the petitioner is granted anticipatory bail which may affect the due completion of the investigation. On considering the facts and circumstances, stage of the investigation and the age of the petitioner, this Court is of the considered view that the petitioner can be granted anticipatory bail imposing appropriate conditions.

5. Therefore, the petitioner is granted anticipatory bail subject to the following conditions:

- 1)The petitioner shall surrender before the Investigating Officer on or before 11-09-2015. In the

event of his arrest, he shall be released on bail on his executing a bond for ₹ 25,000/- (Rupees twentyfive thousand only) with two solvent sureties each for the like sum to the satisfaction of the Investigating Officer.

- 2)The petitioner shall not enter within the limits of Manjeri Police Station, except for the purpose of reporting before the Investigating Officer, for a period of 30 days from today.
- 3)The petitioner shall not contact or attempt to contact the alleged victim in this case.
- 4)The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him or her from disclosing such facts to the Court or to any Police Officer.
- 5)The petitioner shall make himself available for interrogation as and when required by the Investigating Officer.

6)The petitioner shall not influence or intimidate the prosecution witnesses nor shall he attempt to tamper with the evidence for the prosecution.

7)The petitioner shall not commit any similar offence while on bail.

8)The petitioner shall not leave India without the previous permission of the concerned Magistrate's Court.

This petition is allowed as above.

Sd/-
BABU MATHEW P. JOSEPH
JUDGE

kns/-

//TRUE COPY//

P.A. TO JUDGE