

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

THURSDAY, THE 6TH DAY OF AUGUST 2015/15TH SRAVANA, 1937

Bail Appl..No. 4617 of 2015

CRIME NO. 846/2015 OF PONKUNNAM POLICE STATION, KOTTAYAM DISTRICT.
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PETITIONER/ACCUSED:

**SAJEEV E.A, AGED 35 YEARS,
ELAVUNGAL HOUSE, CHENGALAM P.O.,
OTTACKAL, KOTTAYAM.**

**BY ADVS.SRI.G.SREEKUMAR (CHELUR)
SRI.NANDAGOPAL S.KURUP**

RESPONDENTS/DEACTO - COMPLAINANT:

**SUB INSPECTOR OF POLICE.
PONKUNNAM POLICE STATION, KOTTAYAM.
REPRESENTED BY THE PUBLIC PROSECUTOR.
HIGH COURT OF KERALA, ERNAKULAM-682031.**

BY PUBLIC PROSECUTOR SMT.REMA.R

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 06-08-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

mbr/

K. ABRAHAM MATHEW, J.

B.A. No.4617 of 2015

Dated this the 6th day of August, 2015

ORDER

Petition filed under Section 438 Cr.P.C.

2. Petitioner is the accused in Crime No.846 of 2015 of Ponkunnam Police Station, Kottayam District. He along with the co-accused is alleged to have committed the offences under Sections 451, 354 of the Indian penal Code read with Sections 8, 9 read with Section 10 of the Protection of Children from Sexual Offences Act.

3. The prosecution case is that he trespassed into the property of the victim, outraged her modesty and sexually abused her. The victim is said to be a 12 year old girl.

4. Heard.

5. The learned counsel submits that this is a false case got registered for the reason that he filed a complaint against the father of the victim just before the registration of this case. The incident alleged in this case happened in June 2014. The petitioner filed a complaint against the

victim's father on 08.07.2015 as seen from Annexure-A1. This case was registered on 11.07.2015. The inordinate delay and giving of the FIS immediately after the filing of the complaint against the victim's father are very suspicious circumstances. So I am inclined to grant his prayer.

In the result, this application is allowed.

1. The petitioner shall be released on bail after interrogation on his executing a bond for Rs.25,000/- (Rupees Twenty five thousand only) with two solvent sureties each for the like sum if he is arrested by the police in connection with this case.

2. He shall appear before the investigating officer for interrogation if he is so required by him in writing.

3. He shall not get himself involved in any other criminal case while he is on bail.

4. He shall not intimidate or attempt to influence the witnesses.

5. He shall not destroy or tamper with the evidence.

6. He shall surrender his passport before the lower

court concerned of if he does not have one, he shall file an affidavit to that effect within five days of his release.

7. He shall not leave India without the previous permission of the court of enquiry or trial court as the case may be.

In case of violation of any of the above conditions, the learned Magistrate is empowered to cancel the bail in accordance with law.

If the petitioner surrenders before the Magistrate this order is not applicable and the learned magistrate may pass appropriate orders.

sd/-
K. ABRAHAM MATHEW
JUDGE

R.AV

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PA to Judge