

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

FRIDAY, THE 4TH DAY OF SEPTEMBER 2015/13RD BHADRA, 1937

Bail Appl..No. 5320 of 2015

CRIME NO. 1164/2015 OF THODUPUZHA POLICE STATION, IDUKKI.
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PETITIONER(S)/5TH AND 6TH ACCUSED:

- 1. SAITHALAVI, S/O.HAMSA,
AGED 30, KIZHEPPATTU,
KADAPUZHA, MALAPPURAM.**
- 2. SUBAIR, S/O.IBRAHIM, AGED 31,
AMAYATH, KUMMBANNOOR,
MALAPPURAM.**

**BY ADVS.SRI.BIMAL K.NATH
SRI.SREEVALSAN.V
SMT.M.K.SHIMI
SRI.D.SREENATH**

RESPONDENT:

**STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-31.**

BY PUBLIC PROSECUTOR SRI.RAJESH VIJAYAN

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 04-09-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

mbr/

A.HARIPRASAD, J.

B.A No.5320 of 2015

Dated this the 4th day of September, 2015.

ORDER

Application for bail under Section 439 Cr.P.C.

2. Petitioners are accused Nos.5 and 6 in Crime No.1164/2015 of Thodupuzha Police Station registered for offences punishable under Sections 363, 368 and 376 r/w Section 120B I.P.C and Sections 3 and 4 of the Protection of Children from Sexual Offences Act, 2012.

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

4. Petitioners were arrested on 31-07-2015 and produced before the court on 01-08-2015 and remanded to the judicial custody.

5. Prosecution case, in short, is that the petitioners conspired with first accused and procured a minor girl and abducted her for commission of sexual offences by the first accused. Considering the fact that the investigation in respect of

these accused persons has advanced to a considerable extent, I find that bail can be granted to the petitioners with following strict conditions :

1. The petitioners shall be released on bail on executing a bond for Rs.50,000/- (Rupees fifty thousand only) with two solvent sureties each for the like sum each to the satisfaction of the learned Magistrate having jurisdiction.
2. The sureties shall produce documents to establish their identity and solvency. The learned trial Judge need not insist on solvency certificate, but other documents can also be perused to find out whether the sureties are solvent or not.
3. The petitioners shall appear before the Investigating Officer on all Mondays and Thursdays between 10.00 and 11.00 a.m until final report is filed.
4. The petitioners shall not indulge in any offence while on bail.
5. The petitioners shall not influence or intimidate the witnesses or meddle with the investigation in any manner.

If any of the above conditions is breached by the petitioners, the learned Magistrate is free to cancel bail without referring the matter to this Court.

**A.HARIPRASAD,
JUDGE.**