

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

WEDNESDAY, THE 23RD DAY OF SEPTEMBER 2015/1ST ASWINA, 1937

Bail Appl..No. 5372 of 2015

CRIME NO. 698/2015 OF KOTTAKKAL POLICE STATION, MALAPPURAM DISTRICT.
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PETITIONER/3RD ACCUSED:

**SHAFEEQ ALI, S/O. KUNAHALAVI,
AGED 24 YEARS, PUTHUKKIDI HOUSE,
KOTTAKAL, MALAPPURAM DISTRICT.**

BY ADV. SRI.K.RAKESH

RESPONDENT(S)/STATE & 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,
KOTTAKKAL POLICE STATION,
MALAPPURAM DISTRICT, PIN - 676 306.**

BY PUBLIC PROSECUTOR SMT.R.REMA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 23-09-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

mbr/

A.HARIPRASAD, J.

B.A No.5372 of 2015

Dated this the 23rd day of September, 2015.

ORDER

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

2. Petitioner is the third accused in Crime No.698/2015 of Kottakal Police Station registered for offences punishable under Sections 354, 372, 373 and 376 r/w Section 34 I.P.C and Sections 3, 4, 5 and 6 of Protection of Children from Sexual Offences Act, 2012 and Section 23 of Juvenile Justice (Care and Protection of Children) Act.

3. Prosecution case, in short, is that on 08-02-2015 the petitioner along with other accused persons committed rape on a minor girl, aged 12 years with the consent of her parents.

4. Heard the learned counsel for the petitioner and the learned Public Prosecutor.

5. Learned counsel for the petitioner submitted that he is in custody from 08-07-2015 onwards. Learned Public Prosecutor opposed the bail application contending that some

accused persons are yet to be arrested. Considering the stage of the investigation insofar as the petitioner is concerned, I find that bail can be granted to the petitioner with following strict conditions :

1. The petitioner shall be released on bail on executing a bond for Rs.1,00,000/- (Rupees one lakh only) with two solvent sureties each for the like sum to the satisfaction of the learned Sessions Judge having jurisdiction.
2. The sureties shall produce documents to establish their identity and solvency. The learned Sessions Judge need not insist on the solvency certificate, but other documents can also be perused to find out whether the sureties are solvent or not.
3. The petitioner shall not enter the limits of Manjeri Police Station for a period of three months or until the final report is filed.
4. The petitioner shall appear before the Investigating Officer on all Mondays and Thursdays between 10.00 and 11.00 a.m until final report is filed.

5. The petitioner shall not indulge in any offence while on bail.
6. The petitioner 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 petitioner, the learned Sessions Judge is free to cancel bail without referring the matter to this Court.

Sd/-
A.HARIPRASAD,
JUDGE.

//True copy//

P.A to Judge

amk