

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE RAJA VIJAYARAGHAVAN V

FRIDAY, THE 16TH DAY OF OCTOBER 2015/24TH ASWINA, 1937

Bail Appl..No. 5449 of 2015

CRIME NO. 1164/2015 OF THODUPUZHA POLICE STATION, IDUKKI
.....

PETITIONER(S)/ACCUSED:

**SHAJI A.M. @ SAKHEER, AGED 34 YEARS,
S/O.NAVOOR KANI, ANIMOOTHIL (H), VENGALLOOR P.O.,
THODUPUZHA, IDUKKI - 685 585.**

**BY ADVS.SRI.M.B.SANDEEP
SMT.R.PRIYA
SRI.V.VISAL AJAYAN
SRI.B.SURJITH
SRI.ABHILASH JOSE
SMT.R.ANJANA**

RESPONDENT(S)/COMPLAINANT:

**STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM, PIN - 682 031.**

BY PUBLIC PROSECUTOR SRI.RAJESH VIJAYAN

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
16-10-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

msv/

RAJA VIJAYARAGHAVAN.V. J

B.A.5449 of 2015

Dated 16th October, 2015

ORDER

1. This is a petition filed u/s 438 of the Code of Criminal Procedure.
2. The petitioner is the 3rd accused in Crime No.1164 of 2015 of Thodupuzha police station, Idukki District. The said case has been registered against the petitioner and others u/s 363, 368, 376, 120(B) r/w S.34 of the IPC and also u/s 3 and 4 of the Protection of Children from Sexual Offences Act.
3. The prosecution allegation is that the petitioner along with the 1st accused, had kidnapped the daughter of the informant and thus committed the aforesaid offence.

4.I have heard the learned counsel appearing for the petitioner as well as the learned Public Prosecutor.

5.It is submitted by the learned counsel appearing for the petitioner that he is a driver by profession and his vehicle was hired on 26.7.2015 by the 1st accused in the crime for the purpose of travelling to Malappuram. He was told that it was for attending a marriage. The 1st accused was accompanied by a girl and another person. He had no reason to doubt the intentions of the 1st accused. It was further submitted that the basis of the crime has been knocked off in view of Annexure-A1 judgment of a Division bench of this Court dated 3.8.2015 in W.P. (Crl). No 340 of 2015. Annexure A1 reveals in unmistakable terms that the daughter of the informant had eloped with the person with whom she was in love and she had stated before this Court that she had willingly gone with the 1st accused. Annexure-

A4 affidavit filed by the victim before the Principal Sessions Court, Thodupuzha, has also been produced which reveals a different version of the incident.

6. After having considered the rival submissions, the nature and gravity of the allegations, the antecedents of the petitioner and the stage of investigation, I am of the considered view that anticipatory bail can be granted to the petitioner by imposing appropriate conditions.

7. In the result, this application is allowed , but subject to the following conditions:

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

ii). The petitioner shall make himself available for interrogation as and when required by the investigating officer.

This application is allowed as above.

Sd/-

RAJA VIJAYARAGHAVAN.V.
Judge

MrCs

//True copy//

P.S. To Judge