

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. 5530 of 2015 ()

CRIME NO. 609/2015 OF KOYILANDY POLICE STATION, KOZHIKODE DISTRICT.

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PETITIONER/ACCUSED NO.3:

**UNNI @ VARUN K.V., S/O. SURESAN,
AGED 23 YEARS, KURUBANTEVALAPPIL HOUSE,
ELATHU P.O., KOZHIKODE DISTRICT.**

**BY ADVS.SRI.P.S.SREEDHARAN PILLAI,
SRI.ARJUN SREEDHAR.**

RESPONDENT/COMPLAINANT & STATE:

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

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:**

rs.

A.HARIPRASAD, J.

B.A No.5530 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.609/2015 of Koyilandy Police Station registered for offences punishable under Sections 325, 366A and 376 I.P.C and Section 376 I.P.C and Sections 3, 4, 9(n), 10, 19(1), 21(1) of the Protection of Children from Sexual Offences Act, 2012.

3. Prosecution case, in short, is that on 20-06-2015 at about 11.30 a.m., the petitioner enticed the defacto complainant's minor daughter aged 16 years and caused her to go with him to different places and from those places he committed rape on her.

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

5. The petitioner was arrested on 22-07-2015. Learned counsel for the petitioner submitted that the case of rape was a theory later introduced. Learned Public Prosecutor submitted that the investigation has advanced to a considerable extent and the

statement of victim under Section 164 Cr.P.C has already recorded. Considering the facts and circumstances of the case, 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.50,000/- (Rupees fifty thousand 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 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 petitioner shall not indulge in any offence while on bail.

5. 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