

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.SUDHEENDRA KUMAR

FRIDAY, THE 18TH DAY OF SEPTEMBER 2015/27TH BHADRA, 1937

Bail Appl.No. 5555 of 2015 ()

CRIME NO. 1077/2015 OF ETTUMANOOR POLICE STATION, KOTTAYAM DISTRICT

PETITIONER :

**SANEESH GEORGE
S/O.GEORGE, AGED 30 YEARS
PUTHENKALAYIL HOUSE, KURUMULLOOR P.O.,
ONAMTHURUTHU VILLAGE.**

BY ADV. SRI.SABU THOZHUPPADAN

RESPONDENT:

**STATE OF KERALA
REPRESENTED BY THE SUB INSPECTOR OF POLICE
ETTUMANOOR POLICE STATION
THROUGH PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM.**

BY PUBLIC PROSECUTOR SMT. LALIZA T.Y.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 18-09-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Mn

B.SUDHEENDRA KUMAR, J.

B.A.No.5555 of 2015

Dated this the 18th day of September, 2015

O R D E R

Application filed under Section 439 of the Code of Criminal Procedure.

2. Petitioner is the 3rd accused in Crime No.1077 of 2015 of Ettumanoor Police Station registered for the offences punishable under Section 377 of the Indian Penal Code and Section 9(g) r/w Section 10 of Protection of Children from Sexual Offences Act.

3. The prosecution allegation can be briefly stated as follows:- The victim is a boy, aged 14 years. The petitioner and the other accused used to commit carnal intercourse against the order of nature, against the above said victim boy after showing him blue films. The petitioner was arrested on 19.08.2015 and ever since, he has been in custody.

4. Heard.

5. Learned Public Prosecutor has opposed the bail application.

6. It has been submitted by the learned counsel for the petitioner that civil disputes are pending between the family of the petitioner and the family of the *de facto* complainant and it was only for the purpose of coercing the family of the petitioner to settle the dispute, that this case was falsely foisted against the petitioner.

7. At this stage, I am not called upon to answer as to whether the case is fake case or not. It appears from the case diary that the major part of the investigation as regards to the petitioner is almost complete. It has been submitted by the learned Public Prosecutor that the petitioner is not involved in any other offence of similar nature.

6. Considering the facts and circumstances of the case including the stage of the case and also taking into consideration of the fact that the victim is a boy and also period of detention of the petitioner, I am inclined to grant bail to the petitioner.

In the result, this petition stands allowed and the petitioner shall be enlarged on bail on his executing a

bond for ₹30,000/- (Rupees thirty thousand only) with two solvent sureties each for the like sum to the satisfaction of the Court below and subject to the following further conditions:

- (a) The petitioner shall report before the Investigating Officer on every Monday between 09.00 a.m and 11.00 a.m. for a period of six months or until the filing of the final report, whichever is earlier.
- (b) The petitioner shall report before the Investigating Officer as and when required for interrogation.
- (c) Petitioner shall not get involved in any offence while on bail.

Sd/-

B.SUDHEENDRA KUMAR, JUDGE.

AS

/True Copy/

P.A. to Judge