

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

TUESDAY, THE 22ND DAY OF SEPTEMBER 2015/31ST BHADRA, 1937

Bail Appl..No. 5653 of 2015 ()

CRIME NO. 854/2015 OF EDAKKAD POLICE STATION, KANNUR

PETITIONER/ACCUSED :

**MUHAMMED JASIR
24 YEARS, S/O.JAFAR K.V. (LATE),
MARJAN VILLA, P.O.MUZHAPPILANGAD
KANNUR DISTRICT.**

**BY ADVS.SMT.K.DEEPA (PAYYANUR)
SRI.V.R.NASAR**

RESPONDENTS/COMPLAINANT :

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

**2. THE SUB INSPECTOR OF POLICE
EDAKKAD POLICE STATION, THALASSERY,
KANNUR DISTRICT.**

R1 & R2 BY PUBLIC PROSECUTOR SMT. LALIZA T.Y.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 22-09-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Mn

A.HARIPRASAD, J.

B.A No.5653 of 2015

Dated this the 22nd day of September, 2015.

ORDER

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

2. Petitioner is the accused in Crime No.854/2015 of Edakkad Police Station registered for offences punishable under Sections 376 r/w 34 I.P.C and Sections 4 and 17 of the Protection of Children from Sexual Offences Act, 2012.

3. Prosecution case, in short, is that on 16-05-2015, the petitioner raped the victim, who is a girl aged 14 years at her house.

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

5. Learned counsel for the petitioner contended that the prosecution story is an improbable one. The petitioner has no connection with the victim. Learned Public Prosecutor opposed the bail application contending that the statement recorded by the learned Magistrate under Section 164 Cr.P.C reveals the complicity of the petitioner in the crime. He was arrested on

20-08-2015. Considering the stage of investigation, 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 **Special Judge/Sessions Judge** having jurisdiction.
2. The sureties shall produce documents to establish their identity and solvency. The learned **Special Judge/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 **Special Judge/Sessions Judge** is free to cancel bail
without referring the matter to this Court.

**A.HARIPRASAD,
JUDGE.**

amk