

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. 5655 of 2015 ()

CRIME NO. 539/2015 OF IRIKKUR POLICE STATION , KANNUR DISTRICT

PETITIONER/ACCUSED:-

**K.K.MUKUNDAN,S/O.ACHUTHAN, AGED 70 YEARS,
KAVINCHAL KELOTH HOUSE, MODAKKAI PARAMB,
IRIKKOOR AMSOM, KANNUR DISTRICT.**

**BY ADVS.SRI.K.SIJU
SMT.S.SEETHA**

RESPONDENT/STATE:-

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

BY PUBLIC PROSECUTOR SMT. T.Y.LALIZA

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

sts

A.HARIPRASAD, J.

B.A No.5655 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.539/2015 of Irikkur Police Station registered for an offence punishable under Section 7 r/w 8 of the Protection of Children from Sexual Offences Act, 2012.

3. Prosecution case, in short, is that petitioner is a person aged 70 years. It is alleged that the petitioner, who touched the private part of a girl, aged 13 years and thereby committed the aforementioned offences.

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

5. Learned counsel for the petitioner submitted that he is innocent of all allegations. He remains in custody from 19-08-2015 onwards. Learned Public Prosecutor opposed the bail application. Having regard to the stage of investigation and

the materials gathered, 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.**

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