

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. 5669 of 2015

**CRIME NO. 802/2015 OF PALODE POLICE STATION,
THIRUVANANTHAPURAM DISTRICT.**
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PETITIONERS/ACCUSED NOS. 1 TO 3:

1. AZEEM, S/O. MUHAMMED HANEEFA,
AGED 20 YEARS AZEEM MANZIL,
4 CENT COLONY, KOPPATHUVILA,
PERINGAMALA VILLAGE, PERINGAMALA P.O.
NEDUMANGAD, THIRUVANANTHAPURAM DISTRICT.
2. MUHAMMED, S/O. ABDUL VAHAD, AGED 21 YEARS,
ROADVILA PUTHENA VEEDU, PAPPANAMCODE,
PALODE, PERINGAMMALA VILLAGE, NEDUMANGAD,
THIRUVANANTHAPURAM DISTRICT.
3. ASIF, S/O. SUBAIR, AGED 21 YEARS,
M.K.N.HOUSE, DAIVAPURA,
PERINGAMMALA VILLAGE, NEDUMANGAD,
THIRUVANANTHAPURAM DISTRICT.

BY ADV. SRI.LATHEESH SEBASTIAN

RESPONDENTS/STATE AND COMPLAINANTS:

1. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM -682 031.
2. SUB INSPECTOR OF POLICE,
PALODE POLICE STATION,
THIRUVANANTHAPURAM DISTRICT - 695 041.

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:**

mbr/

A.HARIPRASAD, J.

B.A No.5669 of 2015

Dated this the 22nd day of September, 2015.

ORDER

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

2. Petitioners are accused Nos. 1 to 3 in Crime No.802/2015 of Palode Police Station registered for offences punishable under Sections 323 and 324 r/w 34 I.P.C and Sections 7 and 8 of Protection of Children from Sexual Offences Act, 2012 and Section 3(1) of PDPP Act.

3. Heard the learned counsel for the petitioners and the learned Public Prosecutor.

4. Prosecution case, in short, is that on 29-07-2015 at about 04.45 p.m, the accused persons with the common intention of outraging the modesty of a woman and with an intention to sexually assault the defacto complainant and her friends misbehaved towards them from a K.S.R.T.C bus. In the scuffle ensued in the bus, they attacked the passengers and caused damage to the vehicle, a tune of Rs.6,000/-.

5. Learned counsel for the petitioners submitted that they are students and they are not involved in any offence as alleged. Learned Public Prosecutor opposed the bail application contending that the petitioners have created a ruckus in the bus and committed the offences alleged. Considering the fact that they were arrested on 29-07-2015 and 30-07-2015 respectively, 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/- each (Rupees fifty thousand only) with two solvent sureties each for the like sum to the satisfaction of the learned Sessions Judge having jurisdiction.
2. Either the parents or siblings or close relatives of the petitioner shall be an additional surety.
3. The sureties shall produce documents to establish their identity and solvency. The additional surety shall produce documents to show his identity only.
4. Petitioners shall deposit Rs.2,000/- each

(Rupees two thousand only) before the learned Sessions Judge at the time of execution of bond.

5. The petitioner shall appear before the Investigating Officer on all Mondays and Thursdays between 09.00 and 10.00 a.m until final report is filed.
6. The petitioner shall not indulge in any offence while on bail.
7. 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.**

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P.A to Judge