

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

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

Bail Appl..No. 5693 of 2015

CRIME NO. 1713/2015 OF THIRUVALLA POLICE STATION, PATHANAMTHITTA.
.....

PETITIONER/ACCUSED NO.1:

**MAYAN K.V., AGED 48 YEARS,
S/O.KHADER KUTTY, AKKARAMEL HOUSE,
ULIYIL PO, CHAVASSERI VILLAGE,
IRUTTI TALUK, KANNUR DISTRICT.**

**BY ADVS.SRI.M.T.SURESHKUMAR
SRI.S.SANAL KUMAR
SMT.SMITHA PHILIPOSE
SMT.BHAVANA VELAYUDHAN
SMT.T.J.SEEMA**

RESPONDENT/COMPLAINANT:

**STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, 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:**

mbr/

A.HARIPRASAD, J.

B.A No.5693 of 2015

Dated this the 22nd day of September, 2015.

ORDER

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

2. Petitioner is the **first accused** in Crime No.1713/2015 of Thiruvalla Police Station registered for offences punishable under Sections 363 and 376 I.P.C and Sections 3 and 4 of the Protection of Children from Sexual Offences Act, 2012.

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

4. Prosecution case, in short, is that a girl, aged about 16 years was found missing from a hostel since 23-07-2015. The case was registered for man missing. Thereafter, police received the information that the girl was at Kudagu. Police went to the place and took her in custody. It was revealed that the accused persons in the crime sexually abused the girl at different places and thereby committed the aforementioned offences against her.

5. Learned counsel for the petitioner submitted that there is no link to connect the petitioner with the crime. The petitioner is a patient with Arnold Chiari Malformation of his brain with syringomyelia. He had undergone a surgery on 24-01-2006 in connection to the ailment. He is totally incapable of travelling to such distant places, according to the learned counsel. Learned Public Prosecutor opposed the bail application contending that the statement given by the girl revealed the complicity of the petitioner in the crime. Considering the fact that the petitioner was arrested on 03-08-2015 and 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 Magistrate having jurisdiction.
2. The sureties shall produce documents to

establish their identity and solvency. The learned Magistrate 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 Magistrate is free to cancel bail without referring the matter to this Court.

**A.HARIPRASAD,
JUDGE.**