

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

THURSDAY, THE 1ST DAY OF OCTOBER 2015/9TH ASWINA, 1937

Bail Appl..No. 5855 of 2015 ()

**CRIME NO. 518/2015 OF AYARKUNNAM POLICE STATION,
KOTTAYAM DISTRICT**

PETITIONER/ACCUSED :

**M. VENUGOPAL @ KUNJOMANA, AGED 63 YEARS,
S/O. K.MADHAVAN PILLAI, ASWATHY HOUSE,
KIDANGOOR SOUTH,KOTTAYAM.**

**BY ADVS.SRI.S.RAJEEV
SRI.K.K.DHEERENDRAKRISHNAN
SRI.V.VINAY**

RESPONDENTS/STATE :

- 1. STATE OF KERALA
REP. BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM - 682 031.
(CRIME NO.518/2015 OF AYARKUNNAM POLICE STATION
KOTTAYAM DISTRICT).**
- 2. STATION HOUSE OFFICER,
AYARKUNNAM POLICE STATION,
KOTTAYAM DISTRICT -686 564
(CRIME NO.518/2015 OF AYARKUNNAM POLICE STATION
KOTTAYAM DISTRICT).**

BY PUBLIC PROSECUTOR SMT. T.Y. LALIZA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 01-10-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

bp

A.HARIPRASAD, J.

B.A. No.5855 of 2015

Dated this the 1st day of October, 2015

ORDER

Petition under Section 438 of the Code of Criminal Procedure.

2. Petitioner is the accused in Crime No.518 of 2015 of Ayarkunnam Police Station registered for offences punishable under Sections 354A of the Indian Penal Code and Section 11(1) read with Section 12 of the Protection of Children from Sexual Offences Act, 2012.

3. Petitioner is a School van driver. The victim is a child studying in the School. It is alleged that on 08.08.2015 while the victim, a 12 year old girl child, was travelling in the van driven by the petitioner, he talked to the girl with a sexual intent and uttered lewd words to the girl child and thereby committed offence under Section 11(1) of the Protection of Children from Sexual Offences Act, 2012.

4. Heard both sides.

5. Learned counsel submitted that the petitioner is aged 63 years and he is a man having good reputation in the society. He has been working in the school for a long time. An affidavit sworn to by the mother of the child stating that there was no utterance of any words by the accused

to the victim with sexual overtone is produced.

Considering the materials in the case diary, I am inclined to grant pre-arrest bail to the petitioner with following conditions:

i. Petitioner shall surrender before the investigating officer within a period of one week and submit himself for interrogation. Thereafter he shall execute a bond for ₹25,000/- (Rupees twentyfive thousand only) with two solvent sureties each for the like sum to the satisfaction of the investigating officer. In that event, he shall be released on bail in Crime No.518 of 2015 of Ayarkunnam Police Station.

ii. The sureties shall produce documents to establish their identity and solvency.

iii. Petitioner shall appear before the Investigating Officer as and when directed in writing and co-operate with the investigation in the matter.

iv. He shall not influence or intimidate the witnesses.

In case of violation of any of the above conditions, the officer concerned is free to arrest the petitioner as if no order is passed.

A. HARIPRASAD, JUDGE.

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