

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

WEDNESDAY, THE 30TH DAY OF SEPTEMBER 2015/8TH ASWINA, 1937

Bail Appl..No. 5949 of 2015

CRIME NO. 698/2015 OF KOTTAKKAL POLICE STATION , MALAPPURAM

PETITIONER(S)/ACCUSED 13:

**FAISAL, AGED 22 YEARS,
S/O.ABDURAHIMAN, PALLIYALIL HOUSE, PAZHAMALLOOR P.O.,
KURUVA, MALAPPURAM DISTRICT.**

BY ADV. SRI.T.K.AJITH KUMAR

RESPONDENT(S)/STATE/COMPLAINANT:

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

BY PUBLIC PROSECUTOR SMT.T.Y.LALIZA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 30-09-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

PJ

A. HARIPRASAD, J.

Bail Appl. No.5949 of 2015

Dated this the 30th day of September 2015

O R D E R

Bail applications filed under Sec.439 Cr.P.C.

2. Petitioner is the 13th accused in Crime No.698 of 2015 of Kottakkal Police station registered for the offences punishable under Secs.354, 372, 373 and 376 read with Sec.34 of the Indian Penal code, Secs.3,4,5 and 6 of the Protection of Children from Sexual Offences Act and Sec.23 of the Juvenile Justice (Care and Protection of Children) Act. Accused nos.1 to 8 committed rape of a minor girl aged 12 years on several occasions from 24.12.2014 to 05.07.2015 with the knowledge and consent of her parents from her house is the prosecution allegation. It is also alleged that accused nos.9 and 10 had obtained money from accused nos.1 to 8 who had sexually abused the minor girl. It is alleged that the petitioner also committed rape on the minor girl.

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

4. The petitioner is in custody from 16.07.2015. Considering the stage of investigation, I feel that the petitioner can be released in bail with the following conditions.

i. The petitioner shall be released on bail on his 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 Additional Magistrate having jurisdiction.

ii. The sureties shall be the persons permanently residing in the State of Kerala and shall produce documents to establish their identity and solvency.

iii. The petitioner shall appear before the Investigating Officer between 10.00 a.m. and 11.00 a.m. on every Monday and Thursday until final report is filed.

iv. iv. The petitioner shall surrender his passport forthwith before the learned

Magistrate having jurisdiction or if he does not have the one, file an affidavit to that effect.

v. The petitioner shall not intimidate or attempt to influence the witnesses, nor shall he tamper with the evidence.

vi. The petitioner shall not involve in any other offence during the period of bail.

In case of violation of any of the above conditions, the learned Magistrate is empowered to cancel the bail in accordance with law without referring the matter to this Court.

Sd/-
A. HARIPRASAD
JUDGE

/ True Copy /

NS/30/09/2015

P.A. To Judge