

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

WEDNESDAY, THE 18TH DAY OF NOVEMBER 2015/27TH KARTHIKA, 1937

Bail Appl..No. 6693 of 2015

CRIME NO. 508/2015 OF VELLAYIL POLICE STATION, KOZHIKODE DISTRICT.

PETITIONER/ACCUSED:

**RAZACK C.P., AGED 50 YEARS,
S/O.SAINUDHEEN C.,
CHERUPURAKKAL HOUSE, BEYPORE P.O.,
KOZHIKODE DISTRICT.**

**BY ADVS.SRI.SAIJU S.
SRI.A.P.NIDHIN KUMAR**

RESPONDENT:

**STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**

BY PUBLIC PROSECUTOR SMT.T.Y.LALIZA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 18-11-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

mbr/

A.HARIPRASAD, J.

B.A. No.6693 of 2015

Dated this the 18th day of November, 2015

ORDER

Application under Section 438 of the Code of Criminal Procedure.

2. Sole accused in Crime No.508 of 2015 of Vellayil Police Station registered alleging offences punishable under Sections 366 and 354-A(1)(ii) and Section 11(i) read with Section 12 of the Protection of Children from Sexual Offences Act, 2012 seeks pre-arrest bail.

3. Prosecution case is that on 01.03.2015 at 11.45 a.m., when the defacto complainant's minor daughter aged 17 years was waiting in a bus stop, the accused offered her a ride on his motor bike and she accepted the offer. Thereafter they proceeded towards Ramanattukara. The accused started talking to the girl with a sexual intent and thereby committed the offence.

4. Heard both sides. Perused the case diary and the statement of the victim recorded under Section 164 of the Code of Criminal Procedure.

From the materials placed before me I do not find prima facie any materials to infer that a custodial interrogation is necessary in this

case. Hence the following order:

i. Petitioner shall surrender before the investigating officer within a period of two weeks 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.508 of 2015 of Vellayil Police Station.

ii. The sureties shall produce documents to establish their identity and solvency. The investigating officer shall not insist on the solvency certificate, but other documents can also be perused to find out whether the sureties are solvent or not.

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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