

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

TUESDAY, THE 27TH DAY OF OCTOBER 2015/5TH KARTHIKA, 1937

Bail Appl..No. 6787 of 2015 ()

CRIME NO. 2481/2015 OF TOWN EAST POLICE STATION , TRISSUR

PETITIONER/ACCUSED 3, 4 & 5 :

- 1. HANEEFA, AGED 50 YEARS, S/O. BACKER,
RESIDING AT KOTTAPARAMBIL VEEDU,
MAVUDY DESOM, PALLARIMANGALAM VILLAGE,
KOTHAMANAGAM TALUK, ERNAKULAM DISTRICT KOCHI
PIN - 686691.**
- 2. KAREEM, AGED 49 YEARS, S/O. MOIDEEN, RESIDING AT
PARAMBIL VEEDU, PALLARIMANGALAM VILLAGE,
KOTHAMANGALAM TALUK, ERNAKULAM DISTRICT
PIN CODE - 686691.**
- 3. PAREEKUTTY, AGED 65 YEARS, S/O. MOIDEEN,
RESIDING AT MANGALATH HOUSE, PIDAVOOR DESAM,
VARAPETTY VILLAGE, KOTHAMANAGAM TALUK,
ERNAKULAM DISTRICT PIN CODE - 686691**

BY ADV. SRI.PEEYUS A.KOTTAM

RESPONDENT/STATE/COMPLAINANT :

**STATE OF KERALA, REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM COCHIN - 682031, REPRESENTED
BY THE INVESTIGATING OFFICER IN CRIME NO. 2481/2015 OF TRICHUR
TOWN EAST POLICE STATION, TRICHUR DISTRICT**

BY PUBLIC PROSECUTOR SRI.C. RASHEED

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 27-10-2015, ALONG WITH BA. 6788/2015, THE COURT ON
THE SAME DAY PASSED THE FOLLOWING:**

bp

A.HARIPRASAD, J.

B.A.Nos.6787 & 6788 of 2015

Dated this the 27th day of October, 2015

C O M M O N O R D E R

Application filed under Section 439 of the Code of Criminal Procedure.

2. Petitioners are accused in Crime Nos.2481 & 2482 of 2015 of Trichur Town East Police Station registered for the offences punishable under Section 376 (2)(n) r/w Section 34 of the India Penal Code and Section 5 (K)(I) r/w Section 6, 14(3) of Protection of Children from Sexual Offences Act, 2012.

3. Prosecution case is that the petitioners along with other accused persons sexually assaulted a mentally retarded minor girl and her sister on various days. Petitioners were arrested on 15.09.2015.

4. Heard both sides.

5. Learned counsel for the petitioners submitted that the allegation is predominately against the first accused. However, the complicity of the petitioners also prima facie brought out by the prosecution.

6. Leaned Public Prosecutor submitted that investigation has advanced to a considerable extent, insofar as these petitioners are concerned. Therefore, bail is granted to the petitioners with the following conditions:

- (a) Each petitioner shall be released on bail on their executing a bond for ₹50,000/- (Rupees fifty thousand only) in each case with two solvent sureties for the like sum to the satisfaction of the Magistrate having jurisdiction.
- (b) The sureties shall produce documents to establish their identity and solvency. The learned Magistrate need not insist on solvency certificate, but other documents can also be perused to find out whether the sureties are solvent or not.
- (c) The petitioners shall appear before the Investigating Officer on all Mondays and Thursdays between 10.00 a.m and 11.00 a.m. until the final report is filed.

- (d) The petitioners shall not enter the Trichur District for a period of three months or filing of final report, whichever is earlier.
- (e) The petitioners shall surrender their passports forthwith before the learned Magistrate. If they do not have passport, each one shall file an affidavit to that effect.
- (f) The petitioners shall not intimidate or attempt to influence the witnesses.
- (g) The petitioners shall not in any manner interfere or meddle with the investigation.
- (h) The petitioners shall not, during the period of this bail get involved in any offence.

In case any of the above conditions is violated, bail granted hereby is liable to be cancelled for which the investigating officer may move application before the jurisdictional magistrate.

A.HARIPRASAD, JUDGE.