

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

MONDAY, THE 16TH DAY OF NOVEMBER 2015/25TH KARTHIKA, 1937

Bail Appl..No. 7131 of 2015 ()

**CRIME NO. 889/2015 OF THADIYITTAPARAMBA POLICE STATION ,
ERNAKULAM DISTRICT**

PETITIONER :

**SAGEER, AGED 35 YEARS,S/O.MAKAR,
MENON THURUTHIL, POOKKATTUPADY,
ALUVA EAST VILLAGE, ERNAKULAM DISTRICT.**

BY ADV. SRI.M.M.ABDUL RAHIMAN

RESPONDENT :

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

BY PUBLIC PROSECUTOR SMT. LALIZA.T.Y

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 16-11-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

sts

A.HARIPRASAD, J.

B.A. No.7131 of 2015

Dated this the 16th day of November, 2015

ORDER

Application for bail under Section 439 of the Code of Criminal Procedure.

2. Accused in Crime No.889 of 2015 of Thadiyittaparambu Police Station registered for offences punishable under Sections 363 and 377 of the Indian Penal Code and Section 11 read with Section 12 of the Protection of Children from Sexual Offences Act, 2012 seeks bail.

3. Prosecution case is that on 17.10.2015 at 7.30 p.m., the accused kidnapped a 13 year boy on his motor cycle and from a lonely place had carnal intercourse against the order of nature.

4. Heard the learned Senior Counsel for the petitioner and the learned Prosecutor. Perused the order passed by the Sessions Judge and the first information statement.

5. Learned Prosecutor opposed the bail application.

Materials in the case diary prima facie indicate commission of the offence. However, the petitioner remains in custody from 27.10.2015. Further detention of the petitioner is not necessary. Hence the following order:

i. Petitioner shall be released on bail on executing a bond

for ₹50,000/- (Rupees fifty thousand only) with two solvent sureties each for the like sum to the satisfaction of the Special Judge having jurisdiction.

ii. The sureties shall produce documents to establish their identity and solvency. The lower court need 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 on all Saturdays between 9.00 and 10.00 a.m until final report is filed.

iv. He shall not enter the limits of Thadiyittaparambu Police Station for three months except for the purpose of complying with the conditions in the order.

v. The petitioner shall not indulge in any offence while on bail.

vi. 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 lower court concerned is free to cancel bail without referring the matter to this Court.

A. HARIPRASAD, JUDGE.

cks