

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

WEDNESDAY, THE 25TH DAY OF NOVEMBER 2015/4TH AGRAHAYANA, 1937

Bail Appl..No. 7347 of 2015 ()

CRIME NO. 1524/2015 OF PAYYANNUR POLICE STATION,KANNUR DISTRICT

PETITIONER(S)/ACCUSED:

- 1. SALMAN.V., S/O.HAMSA, AGED 33 YEARS,
VENGAD HOUSE, C.M.NAGAR,
PILATHARA, CHERUTHAZHAM AMSOM, KANNUR.**
- 2. VINOD.C, S/O.VIJAYAN, AGED 31 YEARS,
CHELLAN HOUSE, PARABATH,
KUNJIMANGALAM AMSOM DESOM, PAYYANNUR,
KANNUR DISTRICT.**

BY ADV. SRI.SUNIL NAIR PALAKKAT

RESPONDENT(S)/COMPLAINANT AND STATE:

- 1. THE STATE OF KERALA,
REP. BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM - 682 031.**
- 2. THE STATION HOUSE OFFICER,
PAYYANNUR POLICE STATION, KANNUR DISTRICT - 670 026.**

BY PUBLIC PROSECUTOR SMT. LALIZA.T.Y.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 25-11-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

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A.HARIPRASAD, J.

B.A. No.7347 of 2015

Dated this the 25th day of November, 2015

ORDER

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

2. Petitioners are accused in Crime No.1524 of 2015 of Payyannur Police Station registered for offences punishable under Sections 366A and 354A read with Section 34 of the Indian Penal Code and Section 7 read with Section 8 of the Protection of Children from Sexual Offences Act, 2012. They seek bail.

3. Prosecution case, in short, is that the accused persons kidnapped a minor girl aged 16 years on 31.10.2015 at 13.00 hours in a car and took her to a house situated in Pinarayi Panchayat. The first accused committed sexual assault on the victim from the house and the second accused facilitated the crime.

4. Heard both sides.

5. Learned counsel for the petitioners submitted that from 02.11.2015 onwards they are in custody.

6. Learned Prosecutor submitted that the statement of the victim under Section 164 of the Code of Criminal Procedure has been recorded and that the investigation has progressed to a considerable extent.

Considering the stage of investigation, bail is granted to the petitioners with following conditions:

i. Petitioners shall be released on bail on each one of them executing a bond for ₹50,000/- (Rupees fifty thousand only) with two solvent sureties each for the like sum to the satisfaction of the learned 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. Petitioners shall appear before the Investigating Officer on all Mondays and Thursdays between 9.00 and 10.00 a.m until final report is filed.

iv. They shall not indulge in any offence while on bail.

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

A. HARIPRASAD, JUDGE.

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