

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

THURSDAY, THE 3RD DAY OF DECEMBER 2015/12TH AGRAHAYANA, 1937

Bail Appl..No. 7548 of 2015 ()

CRIME NO. 1206/2015 OF VANCHIYOOR POLICE STATION, THIRUVANANTHAPURAM

/PETITIONER/A2 :

**UDAYAKUMAR, AGE 50,
S/O.NANU, T.C.36/18, SARASWATHI VILASOM
KAARALI, PERUMTHANNI, THIRUVANANTHAPURAM.**

BY ADV. SRI.SHAJIN S. HAMEED

RESPONDENTS/STATE :

**STATE OF KERALA,
REPRESENTED BY THE INSPECTOR OF POLICE
PETTAH CIRCLE, THIRUVANANTHAPURAM
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM.**

BY PUBLIC PROSECUTOR SMT. R. REMA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 03-12-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Mn

A.HARIPRASAD, J.

B.A No.7548 of 2015

Dated this the 3rd day of December, 2015.

ORDER

Application for bail under Section 439 Cr.P.C.

2. Petitioner is the second accused in Crime No.1206 of 2015 of Vanchiyoor Police Station registered for offences punishable under Sections 376 r/w Section 34 I.P.C and Sections 3, 4, 7 and 8 of Protection of Children from Sexual Offences Act.

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

4. Prosecution case, in short, is that the petitioner is the husband of the sister of the victim's mother. The victim is aged 7 years. The petitioner sexually abused the victim on many occasions is the allegation.

5. Learned counsel for the petitioner submitted based on Annexure C that the complaint was filed at the instance of the victim's mother, who had filed a complaint against her own

father for allegedly sexually abusing his grand daughter. He further submitted that the petitioner was actually looking after the victim, an abandoned child. He is in custody from 24-10-2015 onwards. Considering the nature of allegations, I find that bail can be granted to the petitioner with following strict conditions :

1. The petitioner shall be released on bail on 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 Special Judge having jurisdiction.
2. The sureties shall produce documents to establish their identity and solvency. The learned Special Judge need not insist on the solvency certificate, but other documents can also be perused to find out whether the sureties are solvent or not.
3. The petitioner shall appear before the Investigating Officer on all Mondays and Thursdays between 10.00 and 11.00 a.m until

final report is filed.

4. The petitioner shall not enter the limits of Vanchiyoor Police Station, where the victim is kept in safe custody until trial is over, except for the purpose of complying the conditions in the bail order.
5. The petitioner shall not indulge in any offence while on bail.
6. 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 learned Special Judge is free to cancel bail without referring the matter to this Court.

Sd/-
A.HARIPRASAD,
JUDGE.

amk

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P.A to Judge