

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

FRIDAY, THE 11TH DAY OF DECEMBER 2015/20TH AGRAHAYANA, 1937

Bail Appl..No. 7638 of 2015 ()

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CRIME NO. 1999/2015 OF ANGAMALI POLICE STATION,
ERNAKULAM DISTRICT
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PETITIONER/ACCUSED :

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DR. RADHAKRISHNAN NAIR, AGED 31 YEARS,
SON OF KRISHNAN NAIR, THEKKEPLAKKODE VEEDU,
KEEZHAROOR VILLAGE, OTTASEKHAMANGALAM P.O.,
TRIVANDRUM DISTRICT, PIN 695125**

**BY ADVS.SRI.K.GOPALAKRISHNA KURUP (SR.)
SRI.SADER E.REAZ**

RESPONDENT/COMPLAINANT :

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STATE OF KERALA
REPRESENTED BY THE SUB INPSECTOR OF POLICE,
ERNAKULAM DISTRICT, THROUGH THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM**

BY PUBLIC PROSECUTOR SMT. R.REMA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 11-12-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

bp

A.HARIPRASAD, J.

B.A. No.7638 of 2015

Dated this the 11th day of December, 2015

ORDER

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

2. Petitioner is the accused in Crime No.1999 of 2015 of Angamaly Police Station registered for offences punishable under Sections 7 and 8 of the Protection of Children from Sexual Offences Act, 2012. He seeks bail.

3. Substance of allegation is that on 16.11.2015 at about 5.00 p.m., petitioner offered a lift to the defacto complainant in a car. Defacto complainant is a boy aged 14 years. Petitioner and the boy were proceeding towards Angamaly. Petitioner after some time touched the private parts of the defacto complainant and thereby committed the offences punishable under Sections 7 and 8 of the Protection of Children from Sexual Offences Act.

4. Heard both sides.

5. Learned Senior Counsel for the petitioner submitted that the petitioner is in custody from 19.11.2015 onwards and that the major part of the investigation is over.

6. Learned Prosecutor opposed the application. According to her, statement of the victim under Section 164 of the Code of Criminal Procedure has not been recorded by the court.

The averments in the case diary show that bail can be granted to the petitioner at this stage with certain conditions. 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 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. Petitioner shall appear before the Investigating Officer on all Saturdays between 10.00 and 11.00 a.m until final report is filed.

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

v. He shall not influence or intimidate the witnesses or meddle with the investigation in any manner.

vi. Except for the purpose of complying with the bail conditions, petitioner shall not enter the limits of Ernakulam District for a

period of three months or until the statement of the victim under Section 164 of the Code of Criminal Procedure is recorded, whichever is earlier.

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.

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