

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

TUESDAY, THE 15TH DAY OF DECEMBER 2015/24TH AGRAHAYANA, 1937

Bail Appl..No. 7648 of 2015 ()

CRIME NO. 762/2015 OF KOTTAKKAL POLICE STATION , MALAPPURAM DISTRICT

PETITIONER/ACCUSED:

**CHOMAYIL MUNNER, AGED 24 YEARS,
S/O.KABEER, CHOMAYIL HOUSE, POOVANCHINA,
P.O RANDATHANI, MALAPPURAM DISTRICT.**

**BY ADVS.SRI.K.M.SATHYANATHA MENON
SMT.KAVERY S THAMPI**

RESPONDENT(S)/& STATE:

- 1. SUB INSPECTOR OF POLICE,
KOTTAKKAL POLICE STATION, KOTTAKKAL,
MALAPPURAM DISTRICT, PIN-676 503.**
- 2. CIRCLE INSPECTOR OF POLICE,
TIRUR POLICE STATION, TIRUR, MALAPPURAM DISTRICT,
PIN-676 101.**
- 3. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682 031.**

BY PUBLIC PROSECUTOR SMT. R.REMA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 15-12-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

sts

A.HARIPRASAD, J.

B.A.No.7648 of 2015

Dated this the 15th day of December, 2015

O R D E R

Application filed under Section 438 of the Code of Criminal Procedure.

2. Petitioners are the accused in Crime No.762 of 2015 of Kottakkal Police Station, Malappuram District, registered for the offences punishable under Sections 372 and 376 r/w Section 34 of the Indian Penal Code and Section 5 and 6 of Protection of Children from Sexual Offences Act 2012 and Section 24 of Juvenile Justice (Care and Protection of Children) Act.

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

4. The prosecution case is that the mother of the defacto complainant submitted her girl children to various persons for sexually abusing and received cash.

5. The learned Public Prosecutor opposed the application. It is mentioned in the case diary, that the petitioner is also one among who had committed rape of

the minor children.

6. The learned counsel for the petitioner submitted that the accused has not been properly identified. Per contra, the learned Public Prosecutor submitted that the victim has identified the petitioner through photograph. Therefore, I am of the view that the petitioner has to surrender before the investigating officer for effective investigation of the case. Hence the following directions are issued :

The petitioner shall surrender before the Investigating Officer within a period of 'two weeks' from today and submit himself for interrogation. The Investigating Officer shall produce him before the learned Magistrate having jurisdiction on the date of surrender itself. Thereafter, the petitioner is free to move for bail before the learned Magistrate and in that event, the learned Magistrate shall appropriate orders thereafter as expeditiously as possible on the date of surrender itself. If he does not surrender as above, the investigating officer is free to arrest him as if no order has been passed by this Court.

Sd/-

**A.HARIPRASAD
JUDGE**