

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

FRIDAY, THE 18TH DAY OF DECEMBER 2015/27TH AGRAHAYANA, 1937

Bail Appl..No. 7764 of 2015 ()

CRIME NO. 247/2015 OF KAINADY POLICE STATION, ALAPPUZHA DISTRICT

PETITIONER/ACCUSED :

**RAGHUVAPPAN, AGED 75 YEARS
S/O. KUNJACHAN, SABU NIVAS, KAVALAM P.O.,
KUTTANAD, ALAPPUZHA.**

BY ADV. SRI.P.SHANES METHAR

RESPONDENT :

**STATE OF KERALA
REP. BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM - 682 031.**

BY ADDL. DIRECTOR GENERAL OF PROSECUTION SRI. K.I. ABDUL RASHEED

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 18-12-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Mn

A.HARIPRASAD, J.

B.A. No.7764 of 2015

Dated this the 18th day of December, 2015

ORDER

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

2. Petitioner is in custody in connection with Kainady Police Station Crime No.247 of 2015 registered for offences punishable under Sections 354(1) and 375(b) of the Indian Penal Code, section 3(b) read with Section 4 of the Protection of Children from Sexual Offences Act, 2012 and Section 3(1)(xi) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

3. Prosecution case is that on 08.10.2015 at about 8.30 a.m., petitioner subjected a ten year old girl belonging to Scheduled Caste community to sexual assault.

4. Heard both sides.

5. Learned counsel for the petitioner submitted that the petitioner is a person aged 75 years. He is in custody for 48 days.

Considering the stage of investigation and the possibility of petitioner meddling with the investigation, I am of the view that bail can be granted to the petitioner with following conditions:

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 Mondays and Thursdays between 10.00 and 11.00 a.m until final report is filed.

iv. He 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. He shall not enter the limits of Kainadi Police Station for a period of three months except for the purpose of complying with the bail conditions.

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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