

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. 7858 of 2015 ()

CRIME NO. 1387/2015 OF CHAVAKKAD POLICE STATION, TRISSUR DISTRICT

APPLICANTS/ACCUSED :

1. **SUNILKUMAR @ PAZHU SUNI, AGED 31 YEARS**
S/O. APPUKUTTAN, PAZHU HOUSE, VETTEKKAD
CHETTUVAPADAM, PIN-680512.
2. **ABBAS, AGED 54 YEARS**
S/O. KUNJIMUHAMMED, THAIVALAPPIL HOUSE, VETTEKKAD
CHETTUVAPADAM, PIN-680512.
3. **JASIR @ AACHI, AGED 26 YEARS**
S/O. GAFOOR, VALIYAKATH HOUSE, VETTEKKAD
CHETTUVAPADAM, PIN-680512
(MISTAKENLY SHOWN AS JANSEER @ AACHI IN THE ORDER).
4. **SIRAJUDHEEN, AGED 30 YEARS**
S/O. IBRAHIMKUTTY, VALIYAKATH HOUSE, VETTEKKAD
CHETTUVAPADAM, PIN-680512
(MISTAKENLY SHOWN AS S/O. VASU, KATTILAYIL HOUSE,
THRUPPATT P.O., PUNNAYURKULAM IN THE ORDER).

BY SENIOR ADVOCATE SRI.P.VIJAYA BHANU
BY ADVS. SRI.V.C.SARATH
SMT.MITHA SUDHINDRAN

RESPONDENT/COMPLAINANT :

STATE OF KERALA
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 15-12-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

A.HARIPRASAD, J.

B.A.No.7858 of 2015

Dated this the 15th day of December, 2015

ORDER

Application filed under Section 439 of the Code of Criminal Procedure.

2. Petitioners are the accused in Crime No.1387 of 2015 of Chavakkad Police Station registered for the offences punishable under Section 377 r/w Section 34 of the Indian Penal Code and Section 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

3. Prosecution case is that during the period from 13.03.2015 onwards, the accused had carnal intercourse against the order of the nature with one Srijith, aged 22 years. Although the victim is aged 22 years, his mental growth is only that of a 6 year old child.

4. Heard both sides.

5. Learned Senior counsel for the petitioner submitted that the petitioner is in custody from 18.11.2015 onwards and no further detention is necessary.

6. Learned Public Prosecutor opposed the bail

application.

7. Considering the stage of investigation and also the fact that the statement of the victim under Section 164 Cr.P.C has been taken in this case, I am inclined to grant bail to the petitioner with the following strict conditions:

- (a) The petitioner shall be released on bail on his executing a bond for ₹50,000/- (Rupees fifty thousand only) with two solvent sureties for the like sum to the satisfaction of the learned magistrate having jurisdiction.
- (b) The sureties shall produce documents to establish their identity and solvency. The lower court need not insist on solvency certificate, but other documents can also be perused to find out whether the sureties are solvent or not.
- (c) The petitioner shall appear before the Investigating Officer on all Mondays and Thursdays between 10.00 a.m and 11.00 a.m.

until the final report is filed.

- (d) The petitioner shall not enter the limits of Chavakkad Police Station for a period of two months except for the purpose of reporting to the Investigating Officer or attending the court.
- (e) The petitioner shall not intimidate or attempt to influence the witnesses.
- (f) The petitioner shall not in any manner interfere or meddle with the investigation.
- (g) The petitioner shall not, during the period of this bail get involved in any offence.

In case any of the above conditions is violated, bail granted hereby is liable to be cancelled for which the investigating officer may move application before the jurisdictional magistrate.

AS

Sd/-
A.HARIPRASAD, JUDGE.
/True Copy/

P.A. To Judge