

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

WEDNESDAY, THE 16TH DAY OF DECEMBER 2015/25TH AGRAHAYANA, 1937

Bail Appl..No. 7898 of 2015

CRIME NO. 3495/2015 OF CHERTHALA POLICE STATION, ALAPPUZHA

PETITIONER(S)/ACCUSED:

**BINOY BABY, AGED 21 YEARS,
S/O.BABY, RESIDING AT THEKKE PULIMOOTTIL HOUSE,
WARD NO: 33, CHERTHALA MUNICIPALITY, CHERTHALA,
ALAPPUZHA DISTRICT - 688 524.**

**BY ADVS.SRI.M.M.NIAS
SRI.B.SIBI**

RESPONDENT(S):

**STATE OF KERALA,
REPRESENTED BY CIRCLE INSPECTOR OF POLICE,
CHERTHALA POLICE STATION THROUGH 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 16-12-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

PJ

A.HARIPRASAD, J.

B.A No.7898 of 2015

Dated this the 16th day of December, 2015.

ORDER

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

2. Petitioner is the accused in Crime No.3495/2015 of Cherthala Police Station registered for offences punishable under Sections 363 and 376 I.P.C and Section 3 r/w 4 of the Protection of Children from Sexual Offences Act, 2012.

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

4. Prosecution case, in short, is that on 18-11-2015 at about 10.00 a.m., the petitioner enticed a minor girl, aged 16 years and took her to Bangalore. From there, he had sexual intercourse with her on various days.

5. Learned counsel for the petitioner submitted that mother of the victim had filed an affidavit stating that the accused is innocent as the girl voluntarily went with him.

6. Whatever be the contents of the affidavit, it is borne out from the records that he is involved in an offence. Since he had physical relationship with the minor girl, I cannot consider the averments in the affidavit for deciding the issue. Considering the fact that the petitioner is in custody from 25-11-2015 onwards and the investigation has advanced to a considerable extent, bail is granted to the petitioner with following strict conditions :

1. The petitioner shall be released on bail on executing a bond for Rs.1,00,000/- (Rupees one lakh 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 Saturdays between 09.00 and 10.00 a.m until final report is filed.

4. The petitioner shall not indulge in any offence while on bail.
5. 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.**

//True copy//

P.A to Judge

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