

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. 7945 of 2015

CRIME NO. 1135/2015 OF TANUR POLICE STATION, MALAPPURAM

PETITIONER(S)/ACCUSED:

**MUHAMMED KUTTY @ MUHAMMED ALI, AGED 47 YEARS,
S/O.KAMMU, MUNDAKKURA HOUSE, AYYAYA,
OZHUR, MALAPPURAM DISTRICT.**

**BY ADVS.SRI.P.S.SREEDHARAN PILLAI
SRI.ARJUN SREEDHAR**

RESPONDENT(S)/COMPLAINANT & STATE:

**STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULA, PIN-682 031.**

BY PUBLIC PROSECUTOR SRI.K.K.RAJEEV

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

PJ

A.HARIPRASAD, J.

B.A. No.7945 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 the accused in Crime No.1135 of 2015 of Tanur Police Station registered for an offence punishable under Section 354 of the Indian Penal Code and Sections 9(f) and 10 of the Protection of Children from Sexual Offences Act, 2012. He seeks bail.

3. Prosecution case is that the accused is a madrassa teacher. He committed sexual assault on a minor girl studying in the madrassa.

4. Heard both sides.

5. Learned counsel for the petitioner submitted that the petitioner is in custody from 13.11.2015 onwards.

6. Learned Prosecutor opposed the bail application.

The statement of the victim under Section 164 of the Code of Criminal Procedure has been recorded. Investigation has advanced to a considerable extent. 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. He shall surrender his passport if any. If he does not have the passport, he shall swear to an affidavit to that effect and submit it before the lower court concerned.

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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