

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

MONDAY, THE 21ST DAY OF DECEMBER 2015/30TH AGRAHAYANA, 1937

Bail Appl..No. 8085 of 2015 ()

**CRIME NO. 1776/2015 OF TIRUR POLICE STATION,
MALAPPURAM DISTRICT**

PETITIONER/ACCUSED :

**MUHAMMED FAZIL, AGED 18 YEARS,
S/O. ASHARAF, PALLIYERI HOUSE, KAIMALASSERY,
MANGALAM, TIRUR, MALAPPURAM DISTRICT.**

BY ADV. SRI.BABU S. NAIR

RESPONDENTS/STATE AND COMPLAINANT :

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

**2. THE SUB INSPECTOR OF POLICE,
TIRUR POLICE STATION, MALAPPURAM - 676 101.**

R1 & R2 BY PUBLIC PROSECUTOR SMT.T.Y. LALIZA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 21-12-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

bp

A.HARIPRASAD, J.

B.A. No.8085 of 2015

Dated this the 21st day of December, 2015

ORDER

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

2. Accused in Tirur Police Station Crime No.1776 of 2015 registered for an offence punishable under Section 376 of the Indian Penal Code is the petitioner. Later it was revealed that the accused did not commit rape on the victim. Therefore, the accusation under Section 376 of the Indian Penal Code has been deleted. Now the accused is charged with offences punishable under Section 354A of the Indian Penal Code and Sections 7 and 8 of the Protection of Children from Sexual Offences Act, 2012. Petitioner is in custody from 28.11.2015 onwards.

3. Prosecution case, in brief, is that in the month of September, 2015, petitioner asked the defacto complainant, a girl aged 13 years, to come out of her house at wee hours and kissed on her face.

4. Heard both sides.

Considering the fact that the petitioner is in custody from 28.11.2015 onwards, 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 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.

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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