

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

MONDAY, THE 5TH DAY OF JANUARY 2015/15TH POUSHA, 1936

Bail Appl..No. 9041 of 2014 ()

CRIME NO. 1254/2014 OF MALAPPURAM POLICE STATION, MALAPPURAM DIST.

.....

PETITIONER/ACCUSED:

**MUZAMMIL, S/O.ABDUL GAFOOR,
AGED 19 YEARS, MARAKKANAKKODE HOUSE,
PONMALA P.O., MALAPPURAM DISTRICT.**

**BY ADVS.SRI.BABU S. NAIR,
SRI.R.RANJITH.**

RESPONDENTS/STATE & COMPLAINANT:

- 1. THE STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM, KOCHI- 682 031.**
- 2. THE SUB INSPECTOR OF POLICE,
MALAPPURAM POLICE STATION,
MALAPPURAM DISTRICT, PIN -676 505.**

BY PUBLIC PROSECUTOR SMT.LALIZA. T.Y.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 05-01-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

rs.

B.KEMAL PASHA, J.

.....
B.A. No.9041 OF 2014
.....

Dated this the 5th day of January, 2015

ORDER

Petition filed under Section 439 Cr.P.C.

2. Petitioner is the accused in Crime No.1254/2014 of the Malappuram Police Station registered for the offences punishable under Sections 376(f)(i) of the Indian Penal Code and Section 5 read with Section 6 of Protection of Children from Sexual Offences Act.

3. The allegation against the petitioner is that he had subjected his own 15 year old sister to penetrative sexual abuse repeatedly, thereby she became pregnant. The petitioner has been in custody for the period from 02.11.2014 onwards.

4. Heard learned counsel for the petitioner and the learned Public Prosecutor. Perused the CD.

5. By looking from the angle of the victim, the petitioner is not entitled to be enlarged on bail in a case like this. At the same time, when considering the age of the petitioner as 19 years, it seems that the parents had not discharged their duty cast upon them to maintain their children properly. No criminal antecedents have been reported against the petitioner. The contents of the CD reveal that the investigation of this case is practically over. Continued detention of the petitioner in custody is not required for the continued investigation of this case. Having regard to the period undergone by the petitioner in custody and the age of the petitioner, I am of the view that the petitioner can be enlarged on bail on strict conditions.

6. In the result, this Bail Application is allowed and the petitioner shall be enlarged on bail on his executing a bond for ₹1,00,000/- (Rupees one lakh only) with two

solvent sureties for the like sum each to the satisfaction of the court below, and subject to the following terms and conditions:-

(i) The petitioner shall report before the Investigating Officer in between 9 a.m. and 11 a.m. on all Thursdays and Mondays commencing from 08.01.2015 for a period of six months.

(ii) Except for observing condition No.(i) above, the petitioner shall not enter the local limits of the Malappuram Police Station for a period of six months from today.

(iii) The petitioner shall not contact the girl directly or indirectly.

(iv) The petitioner shall not tamper with the evidence or influence witnesses.

(v) The petitioner shall make himself available for interrogation as and when required by the Investigating Officer.

(vi) The petitioner shall not involve in any offence while on bail.

It is made clear that the violation of any of the

B.A.No. 9041 of 2014

-: 4 :-

conditions stipulated above will result in the cancellation of
bail.

ul/-

Sd/- B.KEMAL PASHA, JUDGE

[True copy]

P.S. to Judge