

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

WEDNESDAY, THE 14TH DAY OF JANUARY 2015/24TH POUSHA, 1936

Bail Appl.No. 9164 of 2014

CRIME NO. 782/2014 OF PERINGOME POLICE STATION, KANNUR
.....

PETITIONER(S)/ACCUSED:

**SHIBU K.G., AGED 32 YEARS,
S/O.GOPI, KOTTUPALLIYIL HOUSE, ARUKARA,
VAYAKKARA AMSOM, P.O.PADIOTCHAL, KANNURDISTRICT.**

**BY ADVS.SRI.T.K.VIPINDAS
SRI.K.V.SREEVINAYAKAN
SRI.K.M.HASHIR
SRI.K.M.MUHAMMED HUSSAIN**

RESPONDENT(S)/STATE:

**THE STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,
ERNAKULAM REPRESENTING S.H.O PERINGOME POLICE STATION,
KANNUR DISTRICT.**

BY PUBLIC PROSECUTOR SRI.SREEJITH V.S.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
14-01-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

msv/

B.KEMAL PASHA, J.

.....
B.A. No.9164 of 2014
.....

Dated this the 14th day of January, 2015

ORDER

Petition filed under Section 439 Cr.P.C.

2. Petitioner is the accused in Crime No.782/2014 of the Peringome Police Station, Kannur registered for the offences punishable under Sections 376 and 307 of the Indian Penal Code and Section 5(1)(r) read with Section 6 of the Protection of Children from Sexual Offences Act.

3. The allegation against the petitioner is that on 01.01.2014, the petitioner had committed rape on a minor girl aged 12 at his house at Arukara, Peringome amsom and when she resisted, he attempted to commit her murder by throttling her. Thereafter, on 14.10.2014, again she was threatened and intimidated, and subjected to rape by the

petitioner. The girl became mentally upset and finally she disclosed the matter hesitatingly to her teacher and hence the investigation. Petitioner has been in custody from 01.11.2014 onwards.

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

5. The contents of the CD reveal that the investigation of this case is practically over. No criminal antecedents have been reported against the petitioner. The 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, the present stage of investigation and the absence of any criminal antecedents on his part, I am of the view that the petitioner can be enlarged on bail.

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 Wednesdays and Saturdays commencing from 21.01.2015 for a period of six months.

(ii) Except for observing condition No.(i) above, the petitioner shall not enter Kannur district for a period of six months from today.

(iii) The petitioner shall neither contact the girl nor shall make any attempt for the same, either 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.9164 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