

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE B.KEMAL PASHA

THURSDAY, THE 8TH DAY OF JANUARY 2015/18TH POUSHA, 1936

Bail Appl..No.9174 of 2014

CRIME NO.1215/2014 OF KONNI POLICE STATION,PATHANAMTITTA DISTRICT.

PETITIONER/ACCUSED:

**DINNY GEORGE SUNNY,AGED 20 YEARS,
S/O.SUNNY GEORGE,PUTHUVELIL HOUSE,
KULATHUMKAL,MANGARAM MURI,KONNI VILLAGE,
KONNI TALUK,PATHANAMTHITTA DISTRICT.**

BY ADV.SRI.VINOY VARGHESE KALLUMOOTTILL

RESPONDENTS/COMPLAINANTS/STATE:

- 1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,ERNAKULAM-682031.**
- 2. THE SUB INSPECTOR OF POLICE,
KONNI POLICE STATION,
PATHANAMTHITTA DISTRICT-689645.**

BY PUBLIC PROSECUTOR SRI.SREEJITH V.S.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 08-01-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

pk

B.KEMAL PASHA, J.

.....
B.A. No.9174 OF 2014

.....
Dated this the 8th day of January, 2015

ORDER

Petition filed under Section 439 Cr.P.C.

2. Petitioner is the accused in Crime No.1215/2014 of the Konni Police Station, Pathanamthitta pending investigation for the offences punishable under Sections 366 (A) and 376 of the Indian Penal Code and Sections 3 read with Section 4 of the Protection of Children from Sexual Offences Act.

3. The allegation against the petitioner is that he had enticed a 14 year old girl who is the daughter of the defacto complainant and on 07.11.2014 at 7 pm, he along with his two friends reached near the house of the defacto complainant. Thereafter, after sending his friends away, he

called the girl and insisted her to go along with him. He took her to the nearby school building where she was repeatedly subjected to penetrative sexual assault. The petitioner has been in custody for the period from 08.11.2014 onwards.

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

5. The contents of the CD, *prima facie*, reveal the complicity of the petitioner. The learned counsel for the petitioner has pointed out that the petitioner is only 22 years old and he is a student of a Poly Technic at Salem. The acts committed by him are quite unbecoming of a student. At the same time, no criminal antecedents have been reported against the petitioner. 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, 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 on strict conditions by ensuring the safety and security of the child victim.

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 15.01.2015 for a period of six months.

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

(iii) The petitioner shall neither contact the girl or her family members, 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 conditions stipulated above will result in the cancellation of bail.

Sd/- B.KEMAL PASHA, JUDGE

ul/-

[True copy]

P.S. to Judge