

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

THURSDAY, THE 15TH DAY OF JANUARY 2015/25TH POUSHA, 1936

Crl.MC.No. 6663 of 2014

**AGAINST THE ORDER/JUDGMENT IN CRL.MP 2460/2014 of SESSIONS COURT,
KOTTAYAM DATED 04-11-2014
CRIME NO. 1119/2014 OF GANDHINAGAR POLICE STATION , KOTTAYAM**

PETITIONER(S)/ACCUSED:

**VINEESH, AGED 23 YEARS
S/O.KUNJUMON, THAIPARAMBIL HOUSE, I.E.NAGAR.P.O,
VAZHAPPALLY EAST VILLAGE,
NOW RESIDING AT THAIPARAMBIL HOUSE
NEAR PODIPARA SCHOOL, PAIPPAD VILLAGE
CHANGANACHERRY TALUK, KOTTAYAM DISTRICT.**

**BY ADVS.SRI.K.SHAJ
SRI.SAJJU.S
SRI.RENJIT GEORGE
SRI.RENJITH.R.NAIR
SMT.ANJU MOHAN
SRI.S.K.SUJITH KRISHNA
SRI.S.VISHNU (ARIKKATTIL)
SRI.M.K.HARIPRIYESH**

RESPONDENTS:

- 1. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM-689645.**
- 2. SUB INSPECTOR OF POLICE,
GANDHINAGAR POLICE STATION, GANDHINAGAR-689611.**

BY PUBLIC PROSECUTOR SRI.JIBU P.THOMAS

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 15-01-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

PJ

Crl.MC.No. 6663 of 2014

APPENDIX

PETITIONER(S)' ANNEXURES

**ANNEXURE-A1 THE TRUE COPY OF THE ORDER DATED 04-11-2013 IN
CRL.M.P.2460/2014 IN THE COURT OF SESSIONS,KOTTAYAM.**

RESPONDENT(S)' ANNEXURES

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

B.KEMAL PASHA, J.

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Crl.M.C. No.6663 of 2014

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Dated this the 15th day of January, 2015

ORDER

Petitioner is accused in Crime No.1119/2014 of the Gandhinagar Police Station registered for the offence punishable under Sections 376(2) (i) and 450 IPC and Section 3 read with Section 4 of the Protection of Children from Sexual Offences Act, 2012 (for short 'the POCSO Act').

2. The learned sessions judge while enlarging the petitioner on bail through order dated 04.11.2014 in Crl.M.P No.2460 of 2014, has imposed condition No.1 as follows:

"The petitioner shall deposit ₹1,00,000/- (Rupees One Lakh only) with the S.H.O."

According to the petitioner, the said condition imposed by the court below is illegal and the same is liable to be lifted.

3. I have obtained a detailed report from the investigating officer. The investigating officer has reported that the petitioner is accused in

1. Crime No.425/2011 U/s.341, 427 IPC.
2. Crime No.2352/2012 U/s.279 IPC.
3. Crime No.2029/2012 U/s.118 A of the K P Act.
4. Crime No.204/2013 U/s.341, 294(b), 308, 427 IPC.
5. Crime No.725/2013 U/s.107 Cr.P.C.
6. Crime No.1040/2013 U/s.143, 147, 148, 294(b), 506(ii), 450, 308, 395 & 427 r/w 149 IPC.
7. Crime No.1034/2013 U/s.323, 341, 294(b) IPC.
8. Crime No.681/2013 U/s.143, 147, 148, 341, 294 (b), 427, 323 & 324 r/w 149 IPC.
9. Crime No.434/2014 U/s.452, 326, 427, 34 IPC

All the said cases are of the Changanassery Police Station.

4. It has been further reported that in gross violation of the orders in Kerala Antisocial Activities Prevention Act, 2007 (for short 'the KAAPA) proceedings against him, he has committed the offence in this case by entering unlawfully in

Kottayam district, for which another crime as Crime No.2485 of 2014 has been registered under Section 15(4) and 19 of the KAAPA.

5. It seems that the petitioner is a hardcore criminal involved in a series of serious criminal cases. At the same time, I am of the view that condition No.1 imposed by the court below can be lifted after modifying the bail conditions.

In the result, condition No.1 in the impugned order is lifted. Condition No.2 is modified as follows:

The petitioner shall execute a bond for ₹50,000/- (Rupees fifty thousand only) with two solvent sureties for the like sum each to the satisfaction of the court below and both the sureties shall produce solvency certificates for the said amount.

Sd/-
B. KEMAL PASHA
JUDGE

DSV/15/1/15

// True Copy //

P.A. To Judge