

(2022) 06 KL CK 0265
In the High Court Of Kerala
Case No : Bail Application No. 4499 Of 2022

Mihthab Hussain P

APPELLANT

Vs

Administrator, U T Of Lakshadweep

RESPONDENT

Date of Decision : 23-06-2022

Acts Referred:

Code of Criminal Procedure, 1973 — Section 439
Indian Penal Code, 1860 — Section 342, 376, 448
Protection of Children from Sexual Offences Act, 2012 — Section 4, 5(I), 5(j)(ii), 6

Citation : (2022) 06 KL CK 0265

Hon'ble Judges : Bechu Kurian Thomas, J

Bench : Single Bench

Advocate : Saiby Jose Kidangoor, Benny Antony Parel, P.M.Mohammed Salih, Anoop Sebastian, Pramitha Augustine, Irine Mathew, Adithya Kiran V.E, Anjali Nair, Naail Fathima Abdulla A, Sajith Kumar V

Final Decision : Allowed

Judgement

Bechu Kurian Thomas, J

1. This is an application seeking regular bail filed under Section 439 of the Code of Criminal Procedure, 1973.
2. Petitioner is the accused in Crime No.8/2022 of Kalpeni Island Police Station, Lakshadweep registered for offences under Sections 4, 6, 5(I), 5(j)(ii) of the Protection of Children from Sexual Offences Act, 2012 and Sections 376, 448 and 342 of the Indian Penal Code, 1860.
3. Petitioner was arrested on 25.03.2022. Sri.Saiby Jose Kidangoor, the learned counsel for the petitioner submitted that already 90 days have elapsed and the final report has not yet been filed. Accordingly he seeks the benefit of Section 164(2) of the Code of Criminal Procedure, 1973 for statutory bail.
4. Sri.Sajith Kumar V., the learned Standing Counsel for the Lakshadweep Administration submitted that the final report has not yet been filed.

5. In view of the above, petitioner is entitled to be released on bail. Accordingly this application is allowed and the petitioner shall be released on bail on the following conditions :-

(i) Petitioner shall be released on bail on his executing a bond for Rs.50,000/- (Rupees fifty thousand only) with two solvent sureties each for the like sum to the satisfaction of the court having jurisdiction.

(ii) Petitioner shall appear before the Investigating Officer as and when required.

(iii) Petitioner shall not intimidate or attempt to influence the witnesses; nor shall he tamper with the evidence or contact the victim or her family members.

(iv) Petitioner shall not commit any offence while he is on bail.

(v) Petitioner shall not enter into the jurisdictional limits of the Kalpeni Police Station and shall not under any circumstances interact with the victim or her family members, until filing of final report.

(vi) Petitioner shall not leave India without the permission of the Court having jurisdiction.

In case of violation of any of the above conditions, the jurisdictional Court shall be empowered to consider the application for cancellation, if any, and pass appropriate orders in accordance with the law, notwithstanding the bail having been granted by this Court.