
(2021) 04 KL CK 0069
In the High Court Of Kerala
Case No : Bail Application No. 2549 Of 2021

Navas K.P

APPELLANT

Vs

State Of Kerala And Ors

RESPONDENT

Date of Decision : 09-04-2021

Acts Referred:

Indian Penal Code, 1860 — Section 363, 370, 370(A), 377
Protection Of Children From Sexual Offences Act, 2012 — Section 5(m), 6, 9(m), 10

Citation : (2021) 04 KL CK 0069

Hon'ble Judges : Shircy V, J

Bench : Single Bench

Advocate : M. Muhammed Shafi, T. Rasini, Sadiqali M, K.P Muhammed Basheer, Muhammed Aneef Pulukkool, C.N Prabhakaran

Final Decision : Allowed

Judgement

1. Application for regular bail.
2. The petitioner, who is the accused in Crime No. 22 of 2021 of Vellamunda Police Station, Wayanad district has moved this application for his release on bail. He has been booked for the offences punishable under Sections 363, 370, 370A and 377 of the Indian Penal Code and Section 5(m) read with 6 and 9(m) read with 10 of the Protection of Children from Sexual Offences Act, 2012.
3. The petitioner has been in custody since 06.02.2021.
4. The prosecution allegation is that the petitioner has kidnapped a minor boy aged 11 years and took him to a lonely place and committed aggravated unnatural penetrative sex and thereby committed the aforesaid offences.
5. The learned counsel for the petitioner has submitted that he is totally innocent of the allegations levelled against him. He is a cardiac patient undergoing treatment. Hence, this application.
6. The learned Public Prosecutor has submitted that the investigation of the case

is already over and the investigating officer is ready to submit the final report before the court concerned. It is to be noted that this petitioner has no criminal antecedents and he is also suffering from some heart ailment. Now, as the investigation of the case is over and is ready for filing the final report, I think that the petitioner can be released on bail.

Hence, this application is allowed subject to the following conditions:

(i) The petitioner shall be released on bail on his executing a bond for a sum of Rs.1,00,000/- (Rupees one lakh only) with two solvent sureties for the like sum each to the satisfaction of the court having jurisdiction.

(ii) The petitioner shall appear before the Investigating Officer for interrogation as and when required by him, in writing.

(iii) The petitioner shall not directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer or tamper with the evidence.

(iv) The petitioner shall not commit any offence while on bail.

In case of violation of any of the above conditions, the learned Magistrate is empowered to cancel the bail in accordance with the law.