

(2021) 03 KL CK 0122
In the High Court Of Kerala
Case No : Bail Application No. 2056 Of 2021

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APPELLANT

Vs

State Of Kerala And Ors

RESPONDENT

Date of Decision : 10-03-2021

Acts Referred:

Protection Of Children From Sexual Offence Act, 2012 — Section 7, 8, 9(l)(m)(n), 10

Citation : (2021) 03 KL CK 0122

Hon'ble Judges : Shircy V, J

Bench : Single Bench

Advocate : P.K. Mohamed Jameel, Ajith Murali

Judgement

1. Application for regular bail.
2. The petitioner is the 1st accused in Crime No. 389 of 2020 of Kolathur Police Station registered for the offences punishable under Section 8 read with Sections 7 and 10 read with Section 9(l)(m)(n) of the Protection of Children from Sexual Offences Act.
3. The petitioner has been in custody from 02.01.2021.
4. The prosecution allegation is that the petitioner who is the step father of the minor child had sexually abused her on various days while she was residing with him and his first wife at his residence and thereby he committed the aforesaid offences.
5. Learned counsel for the petitioner has submitted that he has been falsely implicated in the case by the mother of the victim since she is not interested with his first marriage with the 1st accused. So he has been falsely implicated in a case of a very serious nature, but he has not committed any of the offences as alleged by the prosecution.
6. The learned Public Prosecutor though opposed the application has submitted that the investigation of the case is nearing completion. He has also submitted

that this petitioner has no criminal antecedents.

7. On hearing both sides, I am convinced that the minor child is residing along with her mother who is the 2nd wife of this petitioner. It is also revealed that they are not in good terms. But now the investigation Of the case is almost complete and considering the entire facts involved in this case, I think that his request to release him on bail can be considered favourably.

Hence, the request of the petitioner to release him on bail is accepted and regular bail is granted to him 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 enter into the limits of Kolathur Police Station, Malappuram for a period of three months from today.
- (iv) The petitioner shall not contact the victim who is residing with her mother, the 2nd wife of the petitioner and he shall not visit their house for a period of three months from today.
- (v) 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.
- (v) 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.