SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com

Abbas Vs. the State of Kerala

Abbas Vs. the State of Kerala

SooperKanoon Citation : sooperkanoon.com/1015061

Court : Kerala

Decided On : Jan-23-2013

Judge : Honourable Mr.Justice P.Bhavadasan

Appellant : Abbas

Respondent : The State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR. JUSTICE P. BHAVADASAN WEDNESDAY, THE 23RD DAY OF JANUARY 2013 3RD MAGHA 193 Bail Appl. No. 507 of 2013 () ---------- AGAINST THE ORDER/JUDGMENT IN CRMP.55/2013 of I ADDL.D.C. & ADDL.MACT,PALAKKAD DATED CRIME NO. 698/2012 OF NATTUKAL POLICE STATION , PALAKKAD PETITIONER/ACCUSED: ---------- ABBAS AGED 4 YEARS S/O. MUHAMMED, ILAMPLAVIN HOUSE, PARAPPURAM BHEEMANADU, MANNARKKAD TALUK,PALAKKAD DISTRICT. BY ADV. SRI. P. JAYARAM RESPONDENT/COMPLAINANT: ---------- THE STATE OF KERALA REPRESENTED BY PUBLIC PROSECUTOR HIGH COURT OF KERALA, ERNAKULAM. BY PUBLIC PROSECUTOR SMT. LALIZA T.Y. THIS BAIL APPLICATION HAVING BEEN FINALLY HEARD ON 23-01-2013, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: sp P. BHAVADASAN, J.

Dated this the 23rd day of January, 2013. ORDER Petitioner is the accused in Crime No. 698 of 2012 of Nattukal Police Station, who is alleged to have committed offences punishable under Section 511 of Section 377 I.P.C. and Section 11 of Protection of Children from Sexual Offences Act and Section 23 of Juvenile Justice Act.

2. The allegation against the petitioner is that on the date of the incident, he managed to take away one of his students who is aged 15 years and tried to commit the objectionable act. The petitioner would say that he is innocent and has been falsely implicated with ulterior motive. At any rate, according to him, he has been in custody from 30.12.2012 and his continued custody is unnecessary.

3. Learned Public Prosecutor opposed the petition by pointing out that the offence is of a serious nature and that investigation is still going on. B.A.507/2013

4. After having heard learned counsel for the petitioner and the learned Public Prosecutor and having perused the records, the claim of the petitioner that he is totally innocent cannot be accepted. There are materials to show his involvement in the incident. A deeper probe into the veracity of the allegations is not warranted at this point of time. The petitioner has been in custody from 30.12.2012 onwards and a good part of the investigation must have been completed by now. Since no apprehension is expressed by the investigating agency that if released on bail the petitioner is likely to abscond, his continued custody appears to be unnecessary. Therefore, this application is allowed on the following conditions: i) Petitioner shall be released on bail on his executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two solvent sureties for the like sum each to the satisfaction of the JFCM court concerned. B.A.507/2013. 3 ii) The learned Magistrate may ensure the identity of the sureties and also the veracity of the tax receipts that are sought to be produced at the time of executing the bond. iii) Petitioner shall report before the Investigating Officer on every Wednesday between 9 a.m. and 10 a.m. till final report is laid. iv) Petitioner shall not tamper or attempt to tamper with the evidence or influence or try to influence the witnesses. v) If any of the conditions is violated, bail granted to the petitioner shall stand

cancelled, and the JFCM concerned may take such steps as are available to him in law. P. BHAVADASAN, JUDGE sb.

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com