

Pradeep Chandran Vs. State of Kerala

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Court : Kerala

Decided On : Mar-27-2014

Judge : Honourable Mr.Justice N.K.Balakrishnan

Appellant : Pradeep Chandran

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE N.K.BALAKRISHNAN THURSDAY, THE 27TH DAY OF MARCH 2014 6TH CHAITHRA, 1936 Bail Appl..No. 1534 of 2014 () ----- CRIME No.333/2014 OF PATHANAMTHITTA POLICE STATION ----- PETITIONER :- ----- PRADEEP S. CHANDRAN, AGED 40 YEARS, THAZHOOR MADATHIL, KAIPPATHOOR PO, KONNI PATHANAMTHITTA DISTRICT BY ADVS.SRI.M.T.SURESHKUMAR SRI.V.V.RAJA SMT.SMITHA PHILIPOSE RESPONDENT/COMPLAINANT :- ----- STATE OF KERALA REPRESENTED BY THE PUBLIC PROSECUTOR HIGH COURT OF KERALA, ERNAKULAM 682031 BY PUBLIC PROSECUTOR SRI.SHIBU JOSEPH THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 27-03-2014, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: jvt N.K.BALAKRISHNAN, J.

----- B.A. No.1534 of 2014 ----- Dated this the 27th day of March 2014

ORDER

Petitioner is the accused in Crime No.333/2014 of Pathanamthitta Police Station. The offence alleged against him is punishable under Sec.3 r/w 4 of Protection of Children from Sexual Offences Act. Apprehending arrest, this petition is filed for anticipatory bail.

2. Petitioner is the music/Piano teacher. The 11 year old victim girl used to attend the music class. Other students also used to be there. According to the prosecution, the accused used to lift the top of the pyjamma worn by her and one day, he touched her private part.

3. Learned counsel for the petitioner submits that even if the entire allegation is accepted, it will not attract Sec.3 r/w Sec.4 but only the offence punishable under Sec.7 r/w 8 of the POCSO Act. It appears to be so. Learned counsel for the petitioner submits that the allegations are not true. It is only under a misconception of fact, the complaint was filed. B.A. No.1534 of 2014 -:

2. :- 4. Considering all the aspects the following directions are issued: The petitioner shall surrender before the Investigating Officer within 10 days from today. After interrogation the accused shall be produced before the learned Magistrate. When applied for bail by the accused, the learned Magistrate will grant bail to the petitioner but on the following conditions: a. The accused shall execute a bond for 20,000/- (Rupees Twenty Thousand only) with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate. If in case the Magistrate has any doubt about the genuineness or correctness of the tax receipts produced by the sureties, the learned Magistrate can insist for production of the attested photo copies of the original title deeds of the sureties. b. The accused shall make himself available for interrogation by the Investigating Officer and should appear before the Investigating Officer on all Mondays and Fridays between 9.30 AM to 11.30 AM until further orders. c. The accused shall produce his original passport before the learned jurisdictional Magistrate. If he is not having any valid passport, he should file an affidavit regarding the same before the Magistrate. B.A. No.1534 of 2014 -:

3. :- d. The accused will also file affidavit that he will abide by all the conditions as mentioned above and that he will not commit any offence similar to the offence involved in this case and will 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. e. The accused shall not leave India without permission of the court. f. The learned Magistrate will also ensure the identity of the sureties by insisting production of electoral photo identity cards/Driving licence etc. Sd/- N.K.BALAKRISHNAN, JUDGE. Jvt

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