

Sibln Vs. State of Kerala

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Court : Kerala

Decided On : Jun-05-2014

Judge : Honourable Mr.Justice N.K.Balakrishnan

Appellant : Sibin

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE N.K.BALAKRISHNAN THURSDAY, THE 5TH DAY OF JUNE 2014 15TH JYAISHTA, 1936 Bail Appl..No. 3592 of 2014 () ----- CRIME NO. 781/2014 OF KUNDARA POLICE STATION, KOLLAM ----- PETITIONER(S)/ACCUSED :- ----- SIBIN, AGED 24 YEARS S/O.KUNJUMON, PONNANIKKAL VEEDU, NEAR FATHIMA JUNCTION PERAYAM CHERRY, MULAVANA VILLAGE, KOLLAM DISTRICT. BY ADV. SRI.K.SIJU RESPONDENT(S)/STATE :- ----- STATE OF KERALA, REPRESENTED BY THE PUBLIC PROSECUTOR HIGH COURT OF KERALA, ERNAKULAM. BY PUBLIC PROSECUTOR SRI.RAJESH VIJAYAN THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 0506-2014, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: jvt N.K.BALAKRISHNAN, J.

----- B.A. No.3592 of 2014 ----- Dated this the 5th day of June 2014

ORDER

Petitioner is the accused in Crime No.781/2014 of Kundara Police Station, Kollam District. The offences alleged against him are punishable under Secs.366A and 376 of IPC and Secs.4, 7 & 8 of POCSO Act. (Learned Public Prosecutor rightly submits that the section of offence should be 366 and not 366A). The victim girl is aged 17 years.

2. The allegation is that the accused enticed the minor daughter of the complainant promising her to marry, took her to the house of the petitioner's friend and from there he had sexual intercourse with her.

3. Petitioner has been in custody from 16.4.2014.

4. Learned counsel for the petitioner submits that petitioner was always ready and willing to marry the victim B.A. No.3592 of 2014 -:

2. :- girl. But, only because she did not complete 18 years, the marriage could not be performed. It is further submitted that the girl would attain majority on 30.7.2014 and so, immediately, after 30th, the parents will agree for the marriage.

5. In the light of the said submission, the petitioner is granted bail subject to the following conditions :- a. The accused shall execute a bond for 50,000/- (Rupees Fifty 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 shall appear before the Investigating Officer on all Mondays between 9.30 AM to 11.30 AM until further orders. c. The accused shall produce his original passport before the learned Magistrate. If he is not having B.A. No.3592 of 2014 -:

3. :- any valid passport, he should file an affidavit regarding the same before the Magistrate. 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. //True Copy// P.A. To Judge Jvt

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