

Shafeek vs State of Kerala

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Court : Kerala

Decided On : Aug-31-2021

Judge : Honourable Mrs. Justice M.R.Anitha

Appeal No. : Bail Appl./4925/2021

Appellant : Shafeek

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MRS. JUSTICE M.R.ANITHA
TUESDAY, THE 31ST DAY OF AUGUST 2021 / 9TH BHADRA, 1943
BAIL APPL. NO. 4925 OF 2021 CRIME NO.738/2021 OF
VENJARAMOODU POLICE STATION, THIRUVANANTHAPURAM
DISTRICT PETITIONER/ACCUSED: SHAFEEK AGED 24 YEARS S/O.
GAFOOR, MEENMOODU NAZEEMA MANZIL, NEAR JANATHA
SCHOOL, THEMPAMOODU DESOM, PULLAMPARA VILLAGE,
THIRUVANANTHAPURAM DISTRICT. BY ADV LATHEESH
SEBASTIAN RESPONDENTS/STATE & COMPLAINANT: 1 STATE OF
KERALA REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT
OF KERALA, ERNAKULAM 682 031. 2 STATION HOUSE OFFICER,

VENJARAMOODU POLICE STATION, THIRUVANANTHAPURAM 695 001. BY ADV.C.N.PRABHAKARAN, PUBLIC PROSECUTOR THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 31.08.2021, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: -2-

ORDER

Petitioner is the sole accused in crime No.738/2021 of Venjaramoodu police station, Thiruvananthapuram district, which is registered for the offences punishable under Sections 377 of IPC r/w Sections 3(a), 4, 5(n) and 6 of the Protection of Children from Sexual Offences Act.

2. The prosecution allegation against the petitioner is that,

the petitioner is a relative of the victim. Three months prior to 01.06.2021, when the victim came to the house of the petitioner, the petitioner has taken the victim to the room of the petitioner and committed penetrative sexual assault and unnatural carnal intercourse and thereby committed the above crime. He was arrested on 02.06.2021 and since then is in judicial custody.

3. Heard both sides.

4. When the matter came up for hearing, the learned

consel for the petitioner press for statutory bail since 90 days period is already over after the remand. Admittedly he has been arrested on 02.06.2021. Public Prosecutor on instruction submits that the final report has not been filed so far. As per Cr.P.C Section 167 (2) proviso the petitioner is entitled for default bail. In the said circumstances, I am inclined to grant bail to the petitioner. Therefore, the petitioner shall be released on bail on the following -3- conditions:-

i. Petitioner shall execute 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 jurisdictional court; ii. He shall report before the Investigating Officer on every Monday and Saturday between 9.00 am and 11.00 am for three months or until the final report is filed, whichever is earlier. iii. He shall surrender his passport before

the jurisdictional court within ten days from the date of release; if he does not possess passport, an affidavit shall be filed to that effect; iv. He shall not try to contact or influence the witnesses or tamper with the evidence; v. He shall not involve in any crime during the period on bail. vi. If any of the above conditions are violated by the petitioner, the jurisdictional court will be at liberty to cancel the bail in accordance with law. This bail application is allowed as above. Sd/-
M.R.ANITHA JUDGE nkr/31.08.2021

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