

Shefeer vs the State of Kerala

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Court : Kerala

Decided On : Jan-31-2020

Judge : Honourable Mr. Justice P.B.Suresh Kumar

Appeal No. : Bail Appl./656/2020

Appellant : Shefeer

Respondent : The State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE P.B.SURESH KUMAR
FRIDAY, THE 31ST DAY OF JANUARY 2020 / 11TH MAGHA, 1941 Bail
Appl..No.656 OF 2020 AGAINST THE ORDER/JUDGMENT IN CRMP
89/2020 OF SPECIAL COURT UNDER POCSO ACT, KANNUR CRIME
NO.539/2019 OF Payangadi Police Station , Kannur
PETITIONER/ACCUSED:

SHEFEER, AGED 24 YEARS S/O. ASHRAF, THEVE HOUSE,
KELLOORE, P.O VELLAMUNDA, MANANTHAVADY P.O, WAYANAD
DISTRICT BY ADVS. SRI.KRISHNA PRASAD. S SMT.SINDHU S
KAMATH SMT.ROHINI NAIR SMT.SNEHA MANJOORAN
RESPONDENT/COMPLAINANT: THE STATE OF KERALA

REPRESENTED BY THE PUBLIC PROSECUTOR, (REPRESENTING INSPECTOR OF POLICE, THALASSERY), HIGH COURT OF KERALA, PIN 682 031 OTHER PRESENT: P P- SRI AMJAD ALI THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 31.01.2020, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: ..2..

ORDER

This is an application for regular bail under Section 439 of the Code of Criminal Procedure.

2. The petitioner is the sole accused in Crime No. 539 of 2019 of Pazhayangadi Police Station registered for offences punishable under Sections 323, 363, 376(1), 376(2)

(n) and 354D(i) of the Indian Penal Code and under Section

3(a) read with Section 4, Sections 5(j)(ii) and 5(l) read with Section 6 and Section 11(iv) read with Section 12 of the Protection of Children from Sexual Offences Act, 2012. The accused and the victim girl aged 17 years were residing in a Gulf country. The accusation against the accused in the case is that the accused kidnapped the victim girl to India and had committed penetrative sexual assault on her during April, 2019 and thereafter on various dates at difference places. It is also alleged that when the victim girl became pregnant, the accused insisted for abortion and since the victim girl was not prepared for abortion, she was assaulted by the accused. The ..3.. petitioner is in custody since 14.12.2019.

3. Heard the learned counsel for the petitioner as also the learned Public Prosecutor.

4. The learned Public Prosecutor has made available the case diary and the First Information Statement given by the victim.

5. Having regard to the nature of the allegations

made against the petitioner and the fact that the petitioner is in custody since 14.12.2019, I am inclined to enlarge the petitioner on bail on the following terms:

(i) The petitioner shall execute a bond for a sum of 50,000/- with two solvent sureties each for the like sum to the satisfaction of the jurisdictional court.

(ii) The petitioner shall appear before the

Investigating Officer on all Saturdays between 9.00 a.m. and 10.00 a.m. for a period of two months from the date of release or till final report is filed, whichever is earlier.

(iii) The petitioner shall not intimidate or attempt to influence the witnesses nor shall he tamper with the evidence. ..4.. (iv)The petitioner shall not commit any offence while on bail.

(v) The petitioner shall not leave the country without the permission of the jurisdictional court. Sd/- P.B.SURESH KUMAR JUDGE ds 31.01.2020

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