

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.BHAVADASAN

FRIDAY, THE 28TH DAY OF JUNE 2013/7TH ASHADHA, 1935

Bail Appl..No. 4246 of 2013 ()

CRIME NO. 763/2013 OF CHATHANNOOR POLICE STATION , KOLLAM

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PETITIONER/ACCUSED:

**RAJAN, AGED 50 YEARS,
S/O.JANARDANAN, CHERUVEEDU, ELAVUMTHITTA DESAM,
PATHANAMTHITTA, NOW RESIDING AT 59 A, L.I.C.LANE,
KAWADIAR P.O., THIRUVANANTHAPURAM.**

**BY SRI.P.VIJAYA BHANU,SENIOR ADVOCATE
BY ADVS.SRI.R.SURAJ KUMAR
SRI.SUNIL J.CHAKKALACKAL**

RESPONDENTS:

**STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKUKLAM.**

BY PUBLIC PROSECUTOR SMT. KOCHUMOL KODUVATH

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 24/06/2013, THE COURT ON 28/06/2013 PASSED THE
FOLLOWING:**

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P. BHAVADASAN, J.

B.A. No. 4246 of 2013

Dated this the day of June, 2013.

ORDER

Petitioner is the accused in Crime No. 763 of 2013 of Chathannore Police Station, who is alleged to have committed offences punishable under Sections 366, 376 and 506(i) of Indian Penal Code read with Section 66E of the Information Technology Act.

2. It is unnecessary to go into the details of the case for the simple reason that the said exercise was undertaken by this court in detail while disposing of an earlier application filed by the petitioner for the very same relief. In the order in B.A.3506 of 2013, this court, finding it inappropriate to grant bail, rejected the application. The petitioner now points out that a good part of the investigation is over and his continued custody is unnecessary.

3. Learned Public Prosecutor only pointed out that investigation is not yet complete and considering the

nature of the allegations against the petitioner which is serious and grave, he may not be granted bail.

4. As mentioned earlier, the facts of the case have already been stated. The matter relates to an unfortunate incident where the teacher is said to have ravished his student. Anyhow, the petitioner has been in custody from 25.4.2013 onwards and on the last occasion his bail application was rejected on the ground that investigation was only progressing. It is seen that a good part of the investigation is completed and the continued custody of the petitioner is therefore unnecessary. No apprehension is expressed by the prosecution that if released on bail, the petitioner is likely to abscond. However, it is pointed out by the learned Public Prosecutor that if this court is inclined to grant bail to the petitioner, it may be on stringent conditions.

5. Considering the various aspects, 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 court concerned.

ii) The court concerned 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 Friday between 9 a.m. and 11 a.m. until further order.

iv) Petitioner shall surrender his passport before the court concerned, and if he does not possess one, an affidavit to that effect shall be filed before the court concerned.

v) Petitioner shall not leave the State of Kerala without the prior permission of the court concerned.

vi) Petitioner shall not either directly or indirectly try to keep in touch with the victim or her relatives.

vii) Petitioner shall not tamper or attempt to tamper with the evidence or influence or try to influence the witnesses.

viii) If any of the conditions is violated, bail granted to the petitioner shall stand cancelled, and the court concerned may take such steps as are available to it in accordance with law.

P. BHAVADASAN,
JUDGE

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