

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

FRIDAY, THE 30TH DAY OF OCTOBER 2015/8TH KARTHIKA, 1937

Bail Appl..No. 6425 of 2015 ()

CRIME NO. 1198/2015 OF IRITTY POLICE STATION, KANNUR DISTRICT

PETITIONER/ACCUSED :

**MATHEWKUTTY M.J.,
AGED 50 YEARS, S/O. JOSEPH,
MEDAKKAL HOUSE, KUNNOTH
MARAMVEENAKANDY, KILLIYANTHARA P.O.,
IRITTY TALUK, KANNUR DISTRICT.**

**BY ADVS.SRI.C.KHALID
SRI.PHIJO PRADEESH PHILIP**

RESPONDENT/STATE :

**1. THE STATION HOUSE OFFICER
IRITTY POLICE STATION, IRITTY, KANNUR -670 703.**

**2. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSEUCTOR
HIGH COURT OF KERALA, ERNAKULAM- 682 031.**

R1 & R2 BY PUBLIC PROSECUTOR SMT. LALIZA T.Y.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 30-10-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Mn

A.HARIPRASAD, J.

B.A.No.6425 of 2015

Dated this the 30th day of October, 2015

ORDER

Application filed under Section 439 of the Code of Criminal Procedure.

2. Petitioner is the accused in Crime No.1198 of 2015 of Iritty Police Station registered for the offences punishable under Section 5(1)(b) r/w Section 6 of the Protection of Children from Sexual Offences Act, 2012.

3. Prosecution case is that the petitioner sexually assaulted two children studying in 5th standard and thereby committed the above said offences.

4. Heard both sides.

5. Learned counsel for the petitioner submitted that the petitioner remains in custody from 09.09.2015. Investigation has advanced to a considerable extent.

6. Learned Public Prosecutor submitted that the petitioner should be kept away from the place of occurrence not only in the interest of the victim and the witnesses, but also in the interest of the petitioner himself.

7. Considering the nature of allegations and stage

of investigation, I am inclined to grant bail to the petitioner with the following conditions:

- (a) The petitioner shall be released on bail on his executing a bond for ₹25,000/- (Rupees twenty five thousand only) with two solvent sureties for the like sum to the satisfaction of the learned Special Judge having jurisdiction.
- (b) The sureties shall produce documents to establish their identity and solvency. The lower court need not insist on solvency certificate, but other documents can also be perused to find out whether the sureties are solvent or not.
- (c) The petitioner shall appear before the Investigating Officer on all Mondays and Saturdays between 10.00 a.m and 11.00 a.m. until the final report is filed.
- (d) The petitioner shall not enter the limits of Iritty Police Station for a period of three months except for the purpose of reporting to

the Investigating Officer or attending the court.

- (e) The petitioner shall not intimidate or attempt to influence the witnesses.
- (f) The petitioner shall not in any manner interfere or meddle with the investigation.
- (g) The petitioner shall not, during the period of this bail get involved in any offence.

In case any of the above conditions is violated, bail granted hereby is liable to be cancelled for which the investigating officer may move application before the jurisdictional magistrate.

Sd/-
A.HARIPRASAD, JUDGE.

AS

/True Copy/

P.A. to Judge