

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE RAJA VIJAYARAGHAVAN V

WEDNESDAY, THE 30TH DAY OF MAY 2018 / 9TH JYAISHTA, 1940

Bail Appl..No. 3438 of 2018

CRIME NO. 901/2018 OF ALUVA EAST POLICE STATION , ERNAKULAM

PETITIONER(S)/APPLICANT/ACCUSED

A.L.JOSE

AGED 53 YEARS, S/O.LUKE KURUVILA, PRINCIPAL, ST.FRANCIS D'
ASSISI SENIOR SECONDARY SCHOOL, ASOKAPURAM, ALUVA.

BY ADV.SRI.THOMAS J.ANAKKALLUNKAL

RESPONDENT(S)/COMPLAINANT:

STATE OF KERALA

REPRESENTED BY THE SUB INSPECTOR OF POLICE, ALUVA , EAST
POLICE STATION, ERNAKULAM RURAL, THROUGH THE PUBLIC
PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI. AMJAD ALI.

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 30-05-2018,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

AL/-

RAJA VIJAYARAGHAVAN V., J

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B.A. No. 3438 of 2018

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Dated this the 31st day of May, 2018

ORDER

1. This application is filed under Section 438 of the Code of Criminal Procedure.
2. The applicant herein is the sole accused in Crime No.901 of 2018 of the Aluva East Police Station registered under Section 75 of the Juvenile Justice (Care and Protection of Children) Act, 2015.
3. The applicant herein is the Principal of St. Francis D'Assissi Senior Secondary School, Asokapuram, Aluva. The crux of the allegation is that on 29.1.2018, the applicant herein entered the class room of the son of the de facto complainant and abused him from entering the school on 26.1.2018 and thus committed the offence.
4. Learned counsel for the applicant submitted there is long delay in setting the law in motion.
5. Heard the learned Public Prosecutor, who opposed the

prayer.

6. I have considered the submissions advanced and have gone through the case diary. Having considered the facts and circumstances, the custodial interrogation of the petitioner does not appear to be required for a fair and effective investigation.
7. In the result, this petition will stand allowed. The applicant shall appear before the Investigating Officer within ten days from today and shall undergo interrogation. Thereafter, if he is re proposed to be arrested, he shall be released on bail on his executing a bond for a sum of Rs.50,000/- (Rupees Fifty thousand only) with two solvent sureties each for the like sum. However, the above order shall be subject to the following conditions:
 - i) He shall co-operate with the investigation and shall appear before the Investigating Officer on every Saturday between 10.a.m and 1 p.m for a period of one month or till the final report is filed whichever is earlier.
 - ii) He shall 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/ her from disclosing such facts to the court or to any police officer, nor shall he tamper with the evidence.
 - iii) He shall not commit any similar offence while

on bail.

In case of violation of any of the above conditions, the jurisdictional Court shall be empowered to consider the application for cancellation, if any, and pass appropriate orders in accordance with the law.

**Raja Vijayaraghavan V.,
Judge**

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