

IN THE COURT OF THE FAST TRACK SPECIAL JUDGE, HARIPAD

Present: Hareesh G., Special Judge

Friday, the 20th day of December, 2024

CMP No.776/2024 IN S.C No.1125/2023

(Crime No.716/2023 of Mavelikara P.S.)

Petitioner/Accused : Advs.Smt. Remya M. Sudarsan and Sri. Faizal Ahamed for and on behalf of accused - Shijin, aged 19/23, S/o Shiju, Muthirapparambil, Pallikkachira Kavala Muri, Payippad Village, Kottayam District.

Cr. Petitioner/Complainant : State of Kerala - represented by S.I. of Police, Mavelikara Police Station.

(By Special Public Prosecutor, Haripad)

Proceedings : Application for bail.

Order : ***Allowed.***

This petition having been finally heard on 20/12/2024 and the Court on the same day passed the following:

ORDER

(1) This is an application for bail moved by Advs.Smt. Remya M. Sudarsan & Sri. Faizal Ahamed, the Asst. Legal Aid Counsel appointed for the accused in S.C. No.1125/2023, which is registered against the accused alleging commission of the offences

punishable u/Ss.363, 354, 354-A(1)(i), 354-A(2) & 354-D of the Indian Penal Code and Ss.8 r/W S.7 & 12 r/W S.11(iv) of the Protection of Children from Sexual Offences Act, 2012. As per the application moved, since 31/10/2024, the accused has been in judicial custody. The accused is totally innocent of the prosecution allegations. The accused has got sufficient sureties and therefore, he is liable to be enlarged on bail. Hence, the application.

- (2)** Heard the counsel for the Legal Aid Defence Counsel and the learned Special Public Prosecutor.
- (3)** The learned SPP opposed the application by submitting that earlier the accused was released on bail and thereafter, he did not appear before the court and therefore, the accused was arrested and produced before the court. According to him, if the accused is released on bail, he will again abscond and that will delay the trial of the case.
- (4)** The prosecution allegation against the accused in this case is that the accused contacted the victim, who was then aged 16 years only, through social media platform viz. Instagram and enticed her by pretending love. Then, in the afternoon of 17/07/2023 the accused summoned the victim to the private bus stand at Mavelikara and thereafter, at 05.30 pm on the said day, kidnapped CW2 from the lawful custody of her parents and took her to the

house bearing No.8/149 of Payippad Grama Panchayat at Payippad Village. Then the accused at 10.00 pm on 18/07/2023, hugged and kissed CW2 with lustful intention and thereby committed the offences punishable u/Ss.363, 354, 354-A(1)(i), 354-A(2) & 354-D of the Indian Penal Code and Ss.8 r/W S.7 & 12 r/W S.11(iv) of the Protection of Children from Sexual Offences Act, 2012.

- (5)** In this case, the final report was filed before the Additional District & Sessions Court-1, Alappuzha. The said court has released the accused on bail and thereafter, made over the case records to this court for disposal. During the pendency of the case before this court, the accused did not appear before the court and therefor, Non-Bailable Warrant was issued against the accused. Later, the accused was arrested and produced before the court on 31/10/2024 and since then, he has been in judicial custody and in this juncture, the present bail application is moved by the learned Legal Aid Defence Counsel.
- (6)** It is found that once the accused was released on bail, he failed to comply the bail conditions. Since the investigation of the case is completed and the final report is field, it is found that no purpose will be served by keeping the accused in judicial custody and he can be released on bail on the following conditions:

In the result, the application is allowed on the following conditions:-

- (i) The accused shall execute bond for ₹50,000/- with two solvent sureties each for the like sum.**
- (ii) The petitioner shall not fail to appear before the court on all material posting dates.**
- (iii) The accused shall not contact the victim and her relatives.**
- (iv) If the petitioner violates any of these conditions, the bail will be cancelled and he will be committed to prison.**

Comply conditions. Execute bond.

Dictated to the Confidential Asst. typed by him directly on the computer, corrected and pronounced by me in open court on this the 20th day of December, 2024.

Sd/-
**Special Judge,
Fast Track Special Court, Haripad.**

-//True Copy//-

Special Judge,
Fast Track Special Court, Haripad.