

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

WEDNESDAY, THE 21ST DAY OF JANUARY 2015/1ST MAGHA, 1936

Bail Appl..No. 107 of 2015

**CRIME NO. 2159/2014 OF ERNAKULAM NORTH POLICE STATION ,
ERNAKULAM DISTRICT**

PETITIONER(S)/ACCUSED :

**JAYA KUMAR, AGED 35 YEARS,
S/O.KRISHNAN, KODIVILA VEEDU, MURIKOOR,
EDATHARA, NILAMEL.P.O, KOLLAM DISTRICT.**

BY ADV. SRI.V.A.AJIVAS

RESPONDENT(S)/COMPLAINANT & STATE :

**STATE OF KERALA,
REPRESENTED BY CIRCLE INSPECTOR OF POLICE,
NORTH POLICE STATION IN ERNAKULAM DISTRICT,
THROUGH THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA
ERNAKULAM.**

BY PUBLIC PROSECUTOR SMT.LALIZA.T.Y

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 21-01-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Msd.

B.KEMAL PASHA, J.

.....
B.A. No.107 of 2015

.....
Dated this the 21st day of January, 2015

ORDER

Petition filed under Section 439 Cr.P.C.

2. Petitioner is the accused in Crime No.2159/2014 of the North Police Station, Ernakulam registered for the offences punishable under Sections 354 and 376(k) of the Indian Penal Code and Sections 3 and 4 of the Protection of Children from Sexual Offences Act.

3. The petitioner is the second husband of the mother of the defacto complainant girl. He is in the position of a step father to the victim girl and he was dominating her will. It is alleged that the minor girl was subjected to frequent sexual assault by the petitioner, by disregarding her resistance. Finally, it is alleged that he had committed rape

on her forcibly against her will. Petitioner has been in custody for the period from 25.11.2014 onwards.

4. Heard learned counsel for the petitioner and the learned Public Prosecutor.

5. The contents of the CD, *prima facie*, reveal the complicity of the petitioner. The allegations constitute an offence under Section 376(2)(k) of IPC. The allegations against the petitioner are very grave and serious. Safety and security of the victim girl has also to be considered. Even now the mother of the victim girl supports the petitioner, who is her husband. In this context, I am of the view that the petitioner is not entitled to be enlarged on bail.

In the result, this Bail Application is dismissed.

Sd/- B.KEMAL PASHA, JUDGE

ul/-

[True copy]

P.S. to Judge