

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

THURSDAY, THE 29TH DAY OF JANUARY 2015/9TH MAGHA, 1936

Bail Appl..No. 400 of 2015

CRIME NO. 602/2014 OF THANNITHODU POLICE STATION , PATHANAMTITTA

PETITIONER(S)/ACCUSED:

**ABRAHAM THOMAS, AGED 47 YEARS
S/O.THOMAS, VALIYAKALAYIL HOUSE,
ELIMULLUMPLACKAL P.O.
KONNI VILLAGE, KONNI TALUK,
PATHANAMTHITTADISTRICT.**

**BY ADVS.SRI.V.SETHUNATH
SRI.V.R.MANORANJAN (MUVATTUPUZHA)**

RESPONDENT(S)/COMPLAINANT/STATE:

**1. THE SUB INSPECTOR OF POLICE, THANNITHODE
POLICE STATION, PATHANAMTHITTA DISTRICT.**

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

BY PUBLIC PROSECUTOR SRI.SREEJITH V.S.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 29-01-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

PJ

B.KEMAL PASHA, J.

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B.A. No. 400 of 2015

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Dated this the 29th day of January, 2015

ORDER

Petition under Section 438 Cr.P.C.

2. The petitioner is the accused in Crime No.602/2014 of the Thannithodu Police Station, registered for the offences punishable under Sections 7 & 8 of the Protection of Children from Sexual Offences Act, 2012.

3. The allegation against the petitioner is that on 10.11.2014 at 4.30 p.m., he has sexually assaulted a six year old girl who is the daughter of the de facto complainant.

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

5. The contents of the C.D. prima facie reveal the complicity of the petitioner. The allegation against the petitioner is very grave and serious. Considering the

seriousness of the allegation against the petitioner, and the present stage of investigation, I am satisfied that the petitioner is not entitled to the discretionary relief of anticipatory bail.

6. The learned counsel for the petitioner seeks for an opportunity to the petitioner to surrender before the investigating officer and to co-operate with the investigation.

In the result, this bail application is dismissed. At the same time, if so advised, the petitioner may surrender before the investigating officer within ten days from today and in such case, the investigating officer can interrogate the petitioner, effect recovery if any, and conduct the investigation and produce the petitioner without delay before the concerned Judicial First Class Magistrate's Court, where the petitioner can move for bail. In such case, the learned Magistrate shall pass appropriate orders, preferably on the same day itself, provided advance notice

on such application has been given to the Assistant Public Prosecutor also.

Sd/-
B.KEMAL PASHA, JUDGE

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P.A to Judge