

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

TUESDAY, THE 3RD DAY OF MARCH 2015/12TH PHALGUNA, 1936

Bail Appl..No. 865 of 2015 ()

**CRIME NO. 1068/2014 OF KOYILANDY POLICE STATION,
KOZHIKODE DISTRICT**

PETITIONER/ACCUSED :

**ABDURAHIMAN, AGED 39 YEARS, S/O. HAMZA,
RESIDING AT KOLLARTHODIKA HOUSE, CHAYIYODE
KALIKAVE P.O., MALAPPURAM DISTRICT.**

**BY ADVS.SRI.K.R.AVINASH (KUNNATH)
SRI.ABDUL RAOOF PALLIPATH**

RESPONDENTS/COMPLAINANT AND STATE :

**1. THE STATION HOUSE OFFICER,
KOYILANDY POLICE STATION, KOZHIKODE-673 305.**

**2. STATE OF KERALA,
REPRESENTED BY THE 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 03-03-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

bp

B.KEMAL PASHA, J.

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B.A. No.865 of 2015

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Dated this the 3rd day of March, 2015

ORDER

Petition filed under Section 438 Cr.P.C.

2. Petitioner is the accused in Crime No.1068 of 2014 of the Koyilandy Police Station registered for the offences punishable under Sections 9(f), (l), (m) read with Section 10 of the Protection of Children from Sexual Offences Act, 2012.

3. The allegation against the petitioner is that he, who was working as a religious teacher at the Darussalam Madrassa at Kannankadavu, repeatedly committed severe sexual assault on an 11 year old boy of the 3rd standard for a long period.

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

5. The learned counsel for the petitioner has argued that the petitioner is made a scapegoat in a factional feud on the community at that place. At the same time, presently, it seems that the versions of the boy as such cannot be discarded. The contents of the CD *prima facie* reveal the complicity of the petitioner. Serious allegations are levelled against the petitioner. Considering the seriousness of the allegations against the petitioner and the present stage of the investigation, I am satisfied that this is not a fit case wherein the discretionary relief of anticipatory bail can be granted to the petitioner.

In the result, this bail application is dismissed.

Sd/-
B.KEMAL PASHA
JUDGE

DSV/3/3/15

// True Copy //

P.A. To Judge

B.A.No.865 of 2015

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