

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

WEDNESDAY, THE 11TH DAY OF MARCH 2015/20TH PHALGUNA, 1936

Bail Appl..No. 1153 of 2015

CRIME NO. 62/2015 OF RAJAPURAM POLICE STATION , KASARAGODE DISTRICT

PETITIONER(S)/ACCUSED :

**V.S.JOSEPH, AGED 69 YEARS,
S/O.SCARIA, RESIDING AT ERINNHILAMKODE, P.O.KOLICHAL,
PANATHADY VILLAGE, VELLARIKUNDU TALUK,
KASARAGODE DISTRICT.**

**BY ADVS.SRI.JAWAHAR JOSE
SRI.ARUN AJAY SHANKAR**

RESPONDENT(S)/STATE :

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

BY PUBLIC PROSECUTOR SMT.LALIZA.T.Y

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 11-03-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Msd.

B. KEMAL PASHA, J.

.....
B.A. No.1153 of 2015
.....

Dated this the 11th day of March, 2015

ORDER

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Petition filed under Section 439 Cr.P.C.

2. Petitioner is the accused in Crime No.62/2015 of Rajapuram Police Station registered for the offences punishable under Section 376 IPC and Sections 3 and 4 of the POCSO Act.

3. The allegation against the petitioner is that on 07.06.2014 and on several other occasions, the petitioner had made penetrative sexual assault on a five year old girl, who is the victim child in this case. The petitioner has been in custody for the period from 11.02.2015 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 medical certificate of the

victim, which finds a place among the records of the CD, speaks volumes regarding the incident. The allegations against the petitioner are very grave and serious. It seems that the investigation is over and final report has also been filed. Considering the seriousness of the allegations against the petitioner, 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)

aks/12/03

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PA to Judge