

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

FRIDAY, THE 8TH DAY OF MAY 2015/18TH VAISAKHA, 1937

Bail Appl..No. 2388 of 2015

CRIME NO. 272/2015 OF KALPETTA POLICE STATION , WAYANAD

PETITIONER(S)/ACCUSED:

**MADHUSUDHANAN, AGED 43 YEARS,
S/O NARAYANAN, ADUVADY VAYAL, KALLUVAYAL
MUTTIL P.O, VYTHIRI TALUK, WAYNAD DISTRICT.**

**BY ADVS.SRI.BABU S. NAIR
SRI.K.RAKESH**

RESPONDENT(S)/STATE:

**THE STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,
ERNAKULAM, KOCHI-31, FOR THE SUB INSPECTOR OF POLICE
KALPETTA POLICE STATION, WAYNAD DISTRICT.**

BY SENIOR PUBLIC PROSECUTOR SMT.SAREENA GEORGE

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 08-05-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

PJ

P.UBAID, J

Bail Appln.No.2388 of 2015

Dated this the 8th day of May, 2015

ORDER

The petitioner herein is the accused in Crime No.272/2015 of the Kalpetta Police Station, registered under Section 354A IPC and Section 9(1)(a) of the Prevention of Children from Sexual Offences Act. He seeks regular bail under Section 439 of the Code of Criminal Procedure. The application filed by him for regular bail was dismissed by the learned Sessions Judge, Kalpetta, Wayanad on 21.04.2015. The petitioner has been in judicial custody since 02.04.2015.

2. The prosecution case is that the petitioner herein sexually assaulted and harassed his own minor daughter, aged only 14 years.

3. This application for regular bail is opposed by the learned Public Prosecutor on the ground that investigation is still in progress, and that if the accused is now released, it will definitely obstruct the investigation.

4. On hearing both sides, and on a perusal of the materials including the case diary I find that the petitioner cannot be now released on bail. I find that the effective investigation is in progress, and that the accused will obstruct the investigation if he is now released on bail. On a perusal of the case diary, I find that some more important witnesses remain to be questioned by the police, and some more materials remain to be collected as part of investigation. This process will be obstructed if the petitioner is now released. The request for bail will be considered at a later stage, when major part of investigation is over.

In the result, this application for bail is dismissed.

Sd/-
P.UBAID
JUDGE

rkj

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P.A. TO JUDGE