

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.RAMAKRISHNAN

TUESDAY, THE 5TH DAY OF MAY 2015/15TH VAISAKHA, 1937

Bail Appl..No. 2423 of 2015 ()

AGAINST THE ORDER IN CRL.MC 712/2015 of IST ADDL.SESIONS COURT,
THRISSUR DATED 09-04-2015
CRIME NO. 174/2015 OF PEECHI POLICE STATION, TRISSUR

PETITIONER/ACCUSED:

SANAL K.JAMES,
S/O.JAMES K. JOHN, KUTTIKKAL HOUSE, NEDUMANNI KARA,
NEDUMKUNNAM VILLAGE, CHANGANACHERRY TALUK,
KOTTAYAM DISTRICT.

BY ADV. SRI.R.PREMSANKAR

RESPONDENT/COMPLAINANT:

STATE OF KERALA
REPRESENTED BY THE SUB INSPECTOR OF POLICE,
PEECHI (CRIME NO. 175/2015) REPRESENTED BY
THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM

BY PUBLIC PROSECUTOR SMT.HYMA

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

K. RAMAKRISHNAN, J.

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B.ANo.2423 of 2015
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Dated this the 5th day of May, 2015.

O R D E R

This is an application filed by the sole accused in Crime No.174/2015 of Peechi police station under section 439 of the Code of Criminal Procedure for regular bail.

2. The case of the prosecution in nutshell was that between 25.12.2013 and 14.1.2015, the accused had sexually exploited, abused and assaulted the victim girl of 13 years belonging to SC/ST community and thereby he had committed the offences punishable under sections 376 of the Indian Penal Code and sections 4 and 5(f) read with section 6 of the Protection of Children from Sexual Offences Act, 2012 and section 3(1)(xi) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

3. The counsel for the petitioner, Sri.R.PremSankar submitted that the petitioner has not committed any offence and he is innocent of the same and he has been falsely implicated in the case. In fact, final report has been filed and his custody is not required any more in connection with the

investigation.

4. The application was opposed by the Public Prosecutor, Smt.Hyma on the ground that the petitioner has involved in another crime of similar nature as well and he is a pastor by profession. Perused the case diary file also.

5. The above case was registered on the basis of the complaint given by a member of the Child welfare Committee, Thrissur when it was revealed that the petitioner had exploited sexually the victim girl of 13 years and on that basis originally Crime No.174/2015 of Peechi police station was registered against the petitioner alleging commission of the offence under section 376 of the Indian Penal Code and Section 6 of Protection of Children against Sexual Offences Act. Later, during investigation it was revealed that he was doing this on several occasions and it continued for a period of nearly two years and the victim belongs to Harijan community and he had committed sections 4 and 5 (f) read with section 6 of the Protection of Children from Sexual Offences Act, 2012 and section 3(1)(xi) of the SC/ST Act and other offences were also added. Investigation was completed and final report was filed. It is also seen from the case diary file that the petitioner had

sexually assaulted another girl of 13 years and another crime was registered as Crime No.175/2015 and in that case also investigation was completed and final report was filed. So it is clear from the report of the investigating officer that a pastor by profession, who is expected to keep high moral responsibility, misused his position and used young female children to satisfy his lust and the apprehension of the Public Prosecutor that if he is released on bail, he is likely to repeat similar offences cannot be ruled out. So under the circumstances and also considering the fact that final report has already been filed and also considering the fact that he is repeating similar offences, it is not a fit case to grant bail to the petitioner. So the petition is liable to be rejected.

In the result, the petition is dismissed.

Sd/-

K. RAMAKRISHNAN, JUDGE.

/true copy/

P.S to Judge

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