

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

WEDNESDAY, THE 29TH DAY OF JULY 2015/7TH SRAVANA, 1937

Bail Appl..No. 3748 of 2015

CRIME NO. 365/2015 OF KASARAGOD POLICE STATION, KASARGOD DISTRICT.

PETITIONER/8TH ACCUSED :

**HASSAN K.P, AGED 55 YEARS,
S/O.KUNHAMMED, THOUSEEF MANZIL,
P.O CHOWKI, KUNDLU,
KASARAGOD DISTRICT.**

BY ADV. SRI.K.K.MOHAMED RAVUF

RESPONDENT/COMPLAINANT:

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

BY PUBLIC PROSECUTOR SRI.V.S.SREEJITH

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 29-07-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

mbr/

K. ABRAHAM MATHEW, J.

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B.A.No. 3748 of 2015

Dated this the 29th day of July, 2015

ORDER

Petition filed under Section 438 Cr.P.C.

2. Petitioner is alleged to have committed the offence under Section 377 of the Indian Penal Code, 1860 and Section 4 of the Protection of Children from Sexual Offences Act, 2012. The prosecution case is that he had carnal intercourse against the order of the nature with a school going student.

3. Heard.

4. Learned counsel submits that the petitioner suffers from Parkinson's disease, for which he relies on Annexure-A1 certificate. Apart from that the petitioner has mild cerebral atrophy as seen from Annexure -A3. But that will not improbabilise the allegation against him. In spite of his illness he could have done the act which he is said to have done.

5. Learned counsel further submits that the petitioner is bedridden. It is a matter relevant when the Investigating Officer apprehends him. But that is not relevant for an application under

Section 438 Cr.P.C. The nature of the act alleged to have been done by the petitioner dis entitles from getting anticipatory bail.

In the result, this application is dismissed.

Sd/-
K. ABRAHAM MATHEW,
JUDGE

DST

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P.A. To Judge