

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MRS. JUSTICE MARY JOSEPH

FRIDAY, THE 3RD DAY OF JULY 2015/12TH ASHADHA, 1937

Bail Appl..No. 3840 of 2015 ()

**CRIME NO. 485/2014 OF VIDYANAGAR POLICE STATION,
KASARGOD DISTRICT**

PETITIONER: (1ST ACCUSED) :

**K.ABDULLA, AGED 58 YEARS,
S/O.FAKRUDHEEN, HASEENA MANZIL, SANTHOSH NAGAR,
ALAMPADY, KASARAGOD DISTRICT.**

**BY ADVS.SRI.T.SETHUMADHAVAN (SR.)
SRI.PUSHPARAJAN KODOTH
SRI.K.JAYESH MOHANKUMAR
SMT.VANDANA MENON**

RESPONDENT(STATE & COMPLAINANT) :

**STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.
(CRIME NO.485/2014 OF VIDHYANAGAR POLICE STATION
KASARAGOD DISTRICT).**

BY PUBLIC PROSECUTOR SRI. DHANESH MATHEW MANJOORAN

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 03-07-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

bp

MARY JOSEPH, J.

B.A. No.3840 of 2015

Dated this the 3rd day of July 2015

O R D E R

Application for bail filed under Sec.439 of the Code of Criminal Procedure.

2. Petitioner is accused in Crime No.485 of 2014 of Vidyanagar Police station registered for the offence punishable under Sec.377 of Indian Penal Code and Sec.4 of the Protection of Children from Sexual Offences Act, 2012. The case of the prosecution was that on 2.06.2014 a minor boy aged 11 years was taken to a lodge at Chengalam village, Kasaragod by the 1st accused and there he was used unnaturally for satiating the petitioner's sexual lust. Thereafter, accused nos.2 to 4 have also committed the very same acts on the victim. On the basis of the allegation, the crime in question was registered. The petitioner was arrested on 09.06.2015 and was remanded to judicial custody. In the said circumstances, this application for bail has come up before this court seeking regular bail.

3. Sri. Kodoth Pushparajan, the learned counsel

appearing for the petitioner and Sri. Dhanesh Mathew Manjooran, the learned Public Prosecutor appearing for the respondent were heard on the matter in detail. The case diary as well as the report furnished by the respondent, have been perused.

4. It is submitted by the learned counsel for the petitioner that the petitioner has voluntarily surrendered before the investigating officer on 09.06.2015 and after arrest he has been kept in custody. According to him, the 2nd accused has already been enlarged on bail by the Sessions Judge concerned and in the said circumstances that he applied for enlargement of the petitioner on bail .

5. Learned Public Prosecutor opposed the application stating that the offence alleged was not confined to a single instance, but it was repeated by all the 3 accused several times. The victim is a minor boy aged 11 years. The offences alleged according to the learned Public Prosecutor is a serious one and the investigation has only just started in the matter. It is also his argument that accused nos.3 and 4 are absconding.

I have considered the rival contentions put forth by the learned counsel for the petitioner as well as the learned Public Prosecutor. The offences alleged involve gravity and it was committed by elder matured people who actually have to remain as protectors. The offences of the nature are to be countered and the Society has a moral duty and the Courts have a duty to watch instances of the nature with utmost seriousness and to deal with those with due regard for safeguarding the interest and well being of children. The investigation process has also not covered its material part. Therefore, it is improper and unjust for this Court to grant an order in favour of the petitioner at present.

In the result, this bail application is dismissed.

Sd/-
MARY JOSEPH
JUDGE

/ True Copy /

P.A. To Judge

NS