IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

WEDNESDAY, THE 15TH DAY OF JULY 2015/24TH ASHADHA, 1937

Bail Appl..No. 3898 of 2015

CRIME NO. 414/2015 OF CHEVAYOOR POLICE STATION , KOZHIKODE DISTRICT

PETITIONER(S)/ACCUSED NO.2 :

RIYAS T.V., AGED 34 YEARS,
S/O.KOYA T.V., M.L.A.ROAD, KUNNAMANGALAM P.O.,
KOZHIKODE.

BY ADVS.SRI.P.S.SREEDHARAN PILLAI
SRI.ARJUN SREEDHAR

RESPONDENT(S)/COMPLAINANT & STATE :

STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM - 31.

BY PUBLIC PROSECUTOR SRI.V.S.SREEJITH

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 15-07-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Msd.

K. ABRAHAM MATHEW, J.

- -

B.A. No.3898 of 2015

- -

Dated this the 15th day of July, 2015

O R D E R

Petition filed under Section 438 Cr.P.C.

2. Petitioner is alleged to have committed the offences under Section 377 of the Indian Penal Code and Section 7 read with Section 8 of Protection of Children from Sexual Offences Act.

3. The prosecution case is that the petitioner sexually abused the victim, who is a boy aged 10 years.

4. Heard.

5. The learned counsel submits that in the First Information Statement there is no whisper about the petitioner's involvement in the incident. That is true. The First Information Statement was given by the father of the child. Later the police recorded the statement of the child. He has narrated the incident. There is a specific allegation of the petitioner sexually abusing the child. This is not a fit case to invoke the jurisdiction of this Court under Section 438 Cr.P.C.

In the result, this application is dismissed.

The learned counsel submits that the petitioner will surrender before the investigating officer. He may do so if he is so advised.

sd/-
K. ABRAHAM MATHEW
JUDGE

R.AV

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PA to Judge