

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

THURSDAY, THE 3RD DAY OF SEPTEMBER 2015/12TH BHADRA, 1937

Bail Appl..No. 5146 of 2015 ()

CRIME NO. 692/2015 OF VADANAPPALLY POLICE STATION, TRISSUR DISTRICT

PETITIONER/ACCUSED :

**P.V. CHANDRABABU
AGED 54 YEARS, S/O.VELAYUDHAN,
PATTATH HOUSE, VADANAPPALLY
THRISSUR DISTRICT.**

**BY ADVS.SRI.P.S.SREEDHARAN PILLAI
SRI.T.K.SANDEEP
SRI.ARJUN SREEDHAR**

RESPONDENTS/COMPLAINANT/STATE & DEFACTO COMPLAINANT :

- 1. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM – 31.**
- 2. DEVANANTHINI (MNOR),
AGED 12 YEARS, D/O.SANTHOSH
(THRITHALLUR KAMALA NEHRU UP SCHOOL STUDENT)
REPRESENTED BY HER MOTHER SANTHINI
W/O.SANTHOSH, AGED 37 YEARS, MEPARAMBIL HOUSE
THRITHALLUR DESOM, VADANAPALLY VILLAGE, VADANAPALLY
THRISSUR DISTRICT, PIN – 680 021.**

**R1 BY PUBLIC PROSECUTOR SRI. RAJESH VIJAYAN
R2 BY ADV. SRI.P.YADHU KUMAR**

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 03-09-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Mn

A. HARIPRASAD, J.

=====

B.A.No.5146 of 2015

Dated this the 3rd day of September, 2015

O R D E R

Petition filed under Section 438 Cr.P.C.

2. Petitioner is the accused in Crime No.692 of 2015 of Vadanapally Police Station registered for the offence punishable under Sections 451 and 354 of the Indian Penal Code and also under Section 7 read with Section 8 of the Protection of Children from Sexual Offences Act, 2012 and further under Section 3(1)(xi) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.

3. The prosecution case in short is that on 30.03.2015, at 4.45 p.m. the petitioner, with an intention to commit sexual offence, trespassed into the house of the *de facto* complainant and caught hold of the private parts of a girl aged 12 years.

4. Heard the learned counsel for the petitioner and the learned Public Prosecutor. Learned counsel appearing for the second respondent (*de facto* complainant represented through her mother) also heard.

5. It is submitted by the learned counsel for the petitioner

that the dispute has been settled between the accused and the *de facto* complainant. I refuse to take note of such a settlement as it is opposed to law and further, the *de facto* complainant is a minor. Therefore, that cannot be taken as a ground for considering the application in favour of the petitioner.

6. Considering the nature of allegations and the submission of the learned Public Prosecutor that he is involved in eight other cases, I find no justification for granting anticipatory bail.

In the result, this application is dismissed.

Sd/-

**A. HARIPRASAD,
JUDGE**

DST

//True copy//

P.A. To Judge