

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

TUESDAY, THE 15TH DAY OF SEPTEMBER 2015/24TH BHADRA, 1937

Bail Appl..No. 5425 of 2015 ()

**CRIME NO. 80/2015 OF AMBALAVAYAL POLICE STATION,
WAYANAD DISTRICT**

PETITIONER/ACCUSED :

**SHIBU, AGED 39 YEARS, S/O PAILY,
VADAKKANTHURUTHEL HOUSE, KALATHUVAYAL P.O.,
AMBALAVAYAL WAYANAD DIST.**

BY ADV. SRI.JOHN VARGHESE

RESPONDENTS/STAT & COMPLAINANT :

- 1. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM 682 031**
- 2. STATION HOUSE OFFICER,
AMBALAVAYAL POLICE STATION, WAYANAND-670 721**

R1 & R2 BY PUBLIC PROSECUTOR SMT. T.Y. LALIZA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 15-09-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

bp

A.HARIPRASAD, J.

B.A No.5425 of 2015

Dated this the 15th day of September, 2015.

ORDER

Application for pre-arrest bail under Section 438 Cr.P.C.

2. Petitioner is the accused in Crime No.80 of 2015 of Ambalavayal Police Station registered for offences punishable under Sections 354A, B and Section 8 of the Protection of Children from Sexual Offences Act, 2012.

3. Prosecution case, in short, is that on 24-05-2014, the petitioner outraged the modesty of a minor girl, aged 13 years. Petitioner is the maternal uncle of the victim.

4. Heard the learned counsel for the petitioner and the learned Public Prosecutor.

5. Learned counsel for the petitioner submitted that the parents of the victim are estranged and there are litigations between them. Mother of the victim and two siblings of the victim are residing with the accused. Petitioner is residing with her father. According to the learned counsel, the case was

foisted on him to wreck vengeance on account of the property disputes.

6. Learned Public Prosecutor opposed the bail application. I have perused the case diary. Statement recorded under Section 164 Cr.P.C spells out clear allegations against the petitioner. I do not deem it fit to grant pre-arrest bail in such cases. Hence, following directions are issued :

The petitioner shall surrender before the Investigating Officer within a period of two weeks from today and submit himself for interrogation. Thereafter, he shall be produced before the learned Magistrate having jurisdiction on the same day. The petitioner is free to move for regular bail before the court below. In that event, the application shall be considered on merits as expeditiously as possible. If petitioner fails to do so in the stipulated time, this order will automatically cease to operate.

Sd/-
A.HARIPRASAD,
JUDGE.