

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE RAJA VIJAYARAGHAVAN V

THURSDAY, THE 15TH DAY OF OCTOBER 2015/23RD ASWINA, 1937

Bail Appl..No. 5762 of 2015

CRIME NO. 517/2015 OF ALAKODE POLICE STATION, KANNUR
.....

PETITIONER(S)/ACCUSED NO.2:

**MAHESH M.M., AGED 32 YEARS,
S/O.MARKOSE, MAVODIYIL HOUSE, OLD CO-OPERATIVE HOSPITAL,
ALAKODE, PERUNILAM ROAD, ALAKODE P.O., THALIPARAMBA,
KANNUR DISTRICT.**

BY ADV. SMT.K.LASITHA

RESPONDENT(S)/COMPLAINANT:

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

BY PUBLIC PROSECUTOR SRI.MADHU BEN

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
15-10-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

msv/

RAJA VIJAYARAGHAVAN.V. J

B.A.5762/2015

Dated 15th October, 2015

ORDER

- 1.This is a petition filed u/s 438 of the Code of Criminal Procedure.
- 2.The petitioner is the accused in Crime No.517 of 2015 of Alakode police station, for having committed offence punishable u/s 23 of the Juvenile Justice Act, S. 506(1) of the IPC, S.9(k) r/w S.10, 13(C) r/w 14,16 r/w S.17 of the Protection of Children from Sexual Offence Act.
- 3.The prosecution allegation is that, the petitioner had ill-treated and mal-treated the deaf and dumb minor daughter of the 1st accused, with her assent and knowledge, petitioner being her paramour, and thus committed the above offence.

4.I have heard the learned counsel for the petitioner and the learned Public Prosecutor.

5.The learned counsel for the petitioner submits that the petitioner is totally innocent. According to the learned counsel, no mother would permit another person to take photos in nude of her daughter. It is further submitted that the petitioner is an auto-rickshaw driver.

6.I have perused the case diary as well. It is seen that the minor child was examined with the assistance of an interpreter. She has narrated the incident in all graphic detail. She has stated that the petitioner had taken nude photographs of her child while she was in her bath and had also threatened her. Unquestionably the offence committed by the petitioner is very serious. Hence, I am of the considered view that this is not a case in which the extraordinary relief of anticipatory bail can be granted to the petitioner.

7. In view of the above, the Bail application stands dismissed.

Sd/-
RAJA VIJAYARAGHAVAN.V.
Judge

MrCs

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P.S. To Judge