

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.SUDHEENDRA KUMAR

WEDNESDAY, THE 7TH DAY OF OCTOBER 2015/15TH ASWINA, 1937

Bail Appl..No. 5789 of 2015 ()

CRIME NO. 121/2015 OF CHOKLI POLICE STATION, KANNUR

PETITIONER/ACCUSED:

SANGEEVAN V.P., AGED 49 YEARS
S/O.KRISHNAN, VELLAPARAMBATH, P O PANOOR
THALASSERY TALUK, KANNUR DISTRICT

BY ADVS.SRI.K.RAMAKUMAR (SR.)
SRI.S.M.PRASANTH
SRI.G.RENJITH
SMT.ASHA BABU

RESPONDENTS/STATE & COMPLAINANT:

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1. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR, ERNAKULAM
KOCHI 682031
 2. THE STATION HOUSE OFFICER,
CHOKLI POLICE STATION, CHOKLI, KANNUR DISTRICT
PIN 670672

R1 BY PUBLIC PROSECUTOR SRI.V.S.SREEJITH

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
07-10-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

SCL.

B. SUDHEENDRA KUMAR, J.

B.A. No.5789 of 2015

Dated this the 7th day of October, 2015.

ORDER

The petitioner is the accused in Crime No.121 of 2015 of Chokli Police Station registered under Sections 354 A (1) (i), 324 and 506 IPC and Section 9 (f) (m) of the Protection of Children from Sexual Offence Act, 2012.

2. The prosecution allegation is that on 11.2.2015 at about 4 p.m., the petitioner embraced Fathima, who is a 5th standard student of Chokli U.P. School and kissed her. Moreover, the petitioner beat her with a scale and threatened her with dire consequences if she would divulge the same to anybody.

3. The petitioner has filed this application under Section 438 of Cr.P.C.

4. Heard.

5. A report has been filed by the Deputy Superintendent of Police, District Crime Branch, Kollam, who is

the investigating officer in this case. He stated in the report that two other crimes had been filed in Chombala Police Station on the complaint of the mother of the victim in this case against some other accused persons including the father of the victim. There is another case wherein the mother of the victim is the accused. It is alleged that the victim Fathima consumed kerosene on 11.2.2015 at her house. However, the doctor who treated the victim stated that there was no smell of kerosene or any symptom of having consumed kerosene, as per the report. The doctor who treated her also stated that there was no evidence of sexual harassment. The chemical analysis report of the dress of the victim was negative as per the report submitted by the Deputy Superintendent of Police. It has been submitted by the learned Public Prosecutor that even though the statements of the victim and other students were recorded under Section 164 Cr.P.C., none of the students except the victim stated before the learned magistrate that the petitioner had advanced sexual acts against the victim. There

is no criminal antecedent against the petitioner. The statements of the students become relevant, when the offence was alleged to have been committed in the school premises. In this case, it appears that the statements of the students did not support the prosecution case. The petitioner is a teacher working in the same school.

6. It has been stated by the learned counsel for the petitioner that it was only due to political enmity that this case was foisted against the petitioner.

7. Considering the facts and circumstances of the case, I am of the view that this is a fit case where an order under Section 438 Cr.PC in favour of the petitioner will be justified.

In the result, this bail application stands allowed and the second respondent is directed to release the petitioner on bail in the event of his arrest in crime No.121 of 2015 of Chokli Police Station, on condition of the petitioner executing a bond for Rs.25,000/- (Rupees twenty five thousand only) with two solvent sureties, each for the like sum to the satisfaction of the

second respondent, before whom the petitioner shall surrender within 10 days from today, if not already arrested, and subject to the following further conditions:

- 1) The petitioner shall report before the investigating officer on every Monday between 9 a.m. and 11 a.m. for one month and thereafter as and when required by the investigating officer for interrogation.
- 2) The petitioner shall not get involved in any offence while on bail.
- 3) The petitioner shall not intimidate or influence the witnesses or in any way tamper with the investigation.

Sd/-

**B. SUDHEENDRA KUMAR
JUDGE**

Scl.

True Copy

PA to Judge