

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE BABU MATHEW P.JOSEPH

THURSDAY, THE 12TH DAY OF NOVEMBER 2015/21ST KARTHIKA, 1937

Bail Appl..No. 6433 of 2015 (D)

AGAINST THE ORDER IN CRL.MC 2070/2015 of SESSIONS COURT,TRIVANDRUM
DATED 29-09-2015

CRIME NO. 908/2015 OF VIZHINJAM POLICE STATION , THIRUVANANDAPURAM

PETITIONER/1ST ACCUSED:

AJAYA GHOSH, AGED 38 YEARS,
RESIDING AT T.C 80/2529 MADHAVAPURAM
TITANIUM P.O, THIRUVANANTHAPURAM DISTRICT

BY ADVS. SMT.M.SANTHI (K/868/2011)
SRI.G.RANJU MOHAN
SRI.S.R.ANEESH

RESPONDENT/STATE :

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

BY PUBLIC PROSECUTOR SMT.MADHUBEN.M.

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
12-11-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

BABU MATHEW P. JOSEPH, J.

B. A. No.6433 of 2015

Dated this the 12th day of November, 2015

ORDER

This petition is filed under Section 438 of Cr.P.C. for anticipatory bail.

2. Heard the learned counsel appearing for the petitioner and the learned Public Prosecutor appearing for the respondent. C.D. produced.

3. The petitioner is the first accused in Crime No.908 of 2015 of Vizhinjam Police Station. The offences alleged are under Sections 376 and 506(i) read with Section 34 of the Indian Penal Code and under Sections 3, 4 and 21(i) of the Protection of Children from Sexual Offences Act. Learned counsel for the petitioner submits that the petitioner is innocent of the allegations raised against him. The investigation of the case has progressed much. The petitioner is ready and willing to comply with any conditions imposed by this Court if anticipatory bail is granted. She further submits that the petitioner apprehends arrest by the

police at any time.

4. Learned Public Prosecutor has vehemently opposed this petition. She submits that the investigation of the case is yet to be completed. The petitioner has committed the serious offence of rape on a hapless girl aged 16. If the petitioner is granted anticipatory bail, there is every chance of him influencing the witnesses or tampering with the evidence in the case. There is even the chance of fleeing by the accused from justice apart from the chance of intimidating the de facto complainant child. Therefore, she prays for dismissing this petition.

5. The investigation of the case is yet to be completed. The offences alleged are grave in nature. On considering the facts and circumstances, this Court is of the view that the arguments advanced by the learned Public Prosecutor opposing the anticipatory bail application should prevail over the prayer of the petitioner for granting him anticipatory bail. This is not a fit case for granting anticipatory bail. Therefore, this petition is liable to be dismissed and hence, it

is dismissed.

Sd/-
BABU MATHEW P. JOSEPH
JUDGE

kns/-

//TRUE COPY//

P.A. TO JUDGE