

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.SUDHEENDRA KUMAR

FRIDAY, THE 16TH DAY OF OCTOBER 2015/24TH ASWINA, 1937

Bail Appl..No. 6437 of 2015 ()

CRIME NO. 1223/2015 OF THOPPUMPADY POLICE STATION,ERNAKULAM DISTRICT

PETITIONER :

**SHAJI,S/O.ANTONY, AGED 39 YEARS,
RESIDING AT KURISHINKAL HOUSE, MUNDAMVELI,
RAMESWARAM VILLAGE, KOCHI -682 007**

BY ADV. SRI.K.P.UNNI

RESPONDENT/COMPLAINANT:

**STATE OF KERALA,
REPRESENTED BY SUB INSPECTOR OF POLICE,
THOPPUMPADY POLICE STATION, ERNAKULAM DISTRICT
THROUGH THE PUBLIC PROSECUTOR.**

BY PUBLIC PROSECUTOR SMT. T.Y.LALIZA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 16-10-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

sts

B.SUDHEENDRA KUMAR, J.

B.A.No.6437 of 2015

Dated this the 16th day of October, 2015

ORDER

The petitioner is the accused in Crime No.1223 of 2015 of Thoppumpady Police Station registered under Sections 354A and 506(i) of the Indian Penal Code and Section 9(n) r/w Section 10 of the Protection of Children from Sexual Offences Act, 2012.

2. Prosecution allegation is as follows:- The petitioner is the father of the minor victim girl aged 14 years. The petitioner used to advance sexual acts against the minor victim girl regularly in the absence her mother in the house of the petitioner. The petitioner was arrested on 23.09.2015 and ever since, he has been in custody.

3. Heard.

4. The learned Public Prosecutor has opposed the bail application. It has been submitted by the leaned Public Prosecutor that an application had been filed by the investigating officer before the Magistrate court

concerned for recording the statement of the victim under Section 164 Cr.P.C. The investigation is only at the infancy stage. Therefore, if the petitioner is released on bail at this stage, there is likelihood that the petitioner will influence and intimidate the witnesses and thereby tamper with the investigation.

5. Considering the facts and circumstances of the case, including the nature and gravity of the offence alleged against the petitioner and the stage of investigation, I am of the view that not safe to release the petitioner on bail at this stage.

In the result, this application stands dismissed.

Sd/-

B.SUDHEENDRA KUMAR, JUDGE.

AS

/True Copy/

P.A. to Judge