

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

TUESDAY, THE 1ST DAY OF DECEMBER 2015/10TH AGRAHAYANA, 1937

Bail Appl..No. 6557 of 2015

CRIME NO. 135/2015 OF PUTHENVELIKKARA POLICE STATION, ERNAKULAM
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PETITIONER(S)/ACCUSED 1 TO 6:

1. **STANLEY PIGAREZ, AGED 54 YEARS,
S/O.LATE JOSEPH PIGAREZ, PATHISSERY HOUSE,
ARIPALAM P.O, POOMANGALAM VILLAGE, MUKUNDAPURAM TALUK,
THRISSUR DISTRICT - 680 688.**
2. **ROSILYN PIGAREZ, AGED 77 YEARS,
W/O.LATE JOSEPH PIGAREZ, PATHISSERY HOUSE,
ARIPALAM P.O, POOMANGALAM VILLAGE, MUKUNDAPURAM TALUK,
THRISSUR DISTRICT - 680 688.**
3. **CLARANCE D'COTHA, AGED 60 YEARS,
S/O.SEBASTIAN D'COTHA, KARIVARA PARAMBIL,
ELAMKUNNAPUZHA P.O. - 682 503.**
4. **HERMY PIGAREZ, AGED 47 YEARS,
S/O. LATE JOSEPH PIGAREZ, PATHISSERY HOUSE,
ARIPALAM P.O., POOMANGALAM VILLAGE, MUKUNDAPURAM TALUK,
THRISSUR DISTRICT - 680 688.**
5. **OSCAR MORRIS, AGED 36 YEARS,
S/O.MORRIS, NO.43, GROUND FLOOR,
IVTH CROSS ITC ROAD, RAMASWAMY, PALAYA,
KANAMHALLY, BANGALORE - 560 084.**
6. **SHINCY MORRIS, AGED 30 YEARS,
W/O.OSCAR MORRIS, NO.43, GROUND FLOOR,
IVTH CROSS ITC ROAD, RAMASWAMY, PALAYA,
KANAMHALLY, BANGALORE 560 084.**

**BY ADVS.SRI.SHIJU ABRAHAM VERGHIS
SRI.B.N.SHIVSANKAR**

msv/

Bail Appl..No. 6557 of 2015

RESPONDENT(S)/COMPLAINANT/STATE:

1. THE SUB INSPECTOR OF POLICE,
VADAKKEKARA POLICE STATION, NORTH PARAVUR,
ERNAKULAM -682 023.
2. THE STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM - 682 031.

BY SENIOR PUBLIC PROSECUTOR SRI.C.RASHEED

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
01-12-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

msv/

A.HARIPRASAD, J.

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B.A.No. 6557 of 2015

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Dated this the 1st day of December, 2015

ORDER

Application filed under Section 438 of the Code of Criminal Procedure.

2. Petitioners apprehend arrest in Crime No.135/2015 of Puthenvelikkara Police Station.

3. Heard the learned counsel for the petitioners and learned Public Prosecutor.

4. They apprehend arrest for offences punishable under Sections 376(2)(i), 212 and 34 of the Indian Penal Code and Section 45(1) read with Section 6,9 (1) read with Section 10,11 (ii), (iii), read with Section 12 of the Prevention of Children from Sexual Offences Act, 2015.

5. Learned Prosecutor on instructions submitted that the petitioners have not been made accused so far in the crime and therefore they are not wanted to be arrested in this case. Learned counsel for the petitioners apprehends that police may take them into custody and produce before the Magistrate at odd hours and thereby they will be

remanded to custody. As they are not arrayed as accused in the case, the apprehension that they will be arrested is misplaced. However, it is made clear that in the event they are made accused in the crime, a notice under Section 41 A of Code of Criminal Procedure shall be issued.

With these observations, this Bail Application is closed.

Sd/-

A.HARIPRASAD, JUDGE.

AVS

//TRUE COPY//

P.A TO JUDGE