

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

MONDAY, THE 16TH DAY OF NOVEMBER 2015/25TH KARTHIKA, 1937

Bail Appl..No. 7070 of 2015

CRIME NO. 941/2014 OF MANANTHAVADY POLICE STATION, WAYANAD.
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PETITIONER/ACCUSED:

**KHALID FYZI, S/O.ALIKUTTY HAJI,
AGED 36 YEARS, VALLI HOUSE, VALAD POST,
MANANTHAVADY, WAYANAD DISTRICT.**

BY ADV. SRI.C.M.MOHAMMED IQUABAL

RESPONDENT/STATE:

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

BY PUBLIC PROSECUTOR SMT.R.REMA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 16-11-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

mbr/

A.HARIPRASAD, J.

B.A No.7070 of 2015

Dated this the 16th day of November, 2015.

ORDER

Application for pre-arrest bail under Section 438 Cr.P.C.

2. Petitioner is the accused in Crime No.491 of 2014 of Mananthavadi Police Station registered for offences punishable under Sections 9(f)(i), 10, 11(i) and Section 12 of Protection of Children from Sexual Offence Act, 2012.

3. Prosecution case, in short, is that the petitioner, who is a Madrassa teacher sexually assaulted children studying there.

4. Heard the learned counsel for the petitioner and the learned Public Prosecutor.

5. Learned Public Prosecutor opposed the bail application. Learned counsel for the petitioner submitted that he is made a scapegoat of factimal feud in the madrassa. The defacto complainant has no grievance against the petitioner. Learned Public Prosecutor contended that the investigation has been completed and the final report is filed before the competent court. It is also seen from the report submitted by the Sub Inspector of Police, Mananthavady that

a warrant is pending against the petitioner from the court. Considering the nature of allegations, I am not entitled to grant pre-arrest bail to the petitioner. Hence, following directions are issued :

The petitioner shall surrender before the Investigating Officer within a period of two weeks from today and submit himself for interrogation. Thereafter, he shall be produced before the learned Magistrate having jurisdiction on the same day. The petitioner is free to move for regular bail before the court below. In that event, the application shall be considered on merits as expeditiously as possible. If petitioner does not surrender in the stipulated time, the Investigating Officer is free to arrest him as if no order is passed in this matter.

**Sd/-
A.HARIPRASAD,
JUDGE.**

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