

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

THURSDAY, THE 10TH DAY OF DECEMBER 2015/19TH AGRAHAYANA, 1937

Bail Appl..No. 7671 of 2015 ()

CRIME NO. 1003/2015 OF MANNANCHERRY POLICE STATION.

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PETITIONER/ACCUSED:

OMANAKUTTAN, AGED 43 YEARS,
S/O. VASU, RESIDING AT PALACHIRA HOUSE,
WARD NO.18, MARARIKULAM SOUTH PANCHAYATH,
ALAPPUZHA DISTRICT.

BY ADVS.SRI.MAURICE VINCENT,
SRI.B.SUBASH.

RESPONDENT(S):

STATE OF KERALA,
REPRESENTED BY THE SUB INSPECTOR OF POLICE,
MANNANCHERRY POLICE STATION,
BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SMT.T.Y. LALIZA.

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 10-12-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

rs.

A.HARIPRASAD, J

Bail Appl. No.7671 of 2015

Dated this the 10th day of December, 2015

ORDER

Bail application filed under Sec.438 Cr.P.C.

2. The petitioner is the accused in crime no. 1003/2015 of Mannancherry Police Station for the offence punishable under Sections 341 and 377 of IPC.

3. The prosecution case in brief is that, on 31.07.2015, the petitioner committed unnatural offence on the son of the de facto complainant, aged 26 years, who is a mentally retarded person with Down's syndrome.

4. Heard both sides.

5. The learned Counsel for the petitioner based on documents produced along with the bail application contended that the victim was not admitted to Chettikadu Primary Health Centre. But on perusal of the case diary, it is seen that he was taken to Rural Health Training Centre TDMC, Chettikadu. Wound certificate justifies the prosecution allegation *prima facie*. That apart the

statement of the victim taken by the Police Officer in the presence of a lady Teacher also revealed the complicity of the accused. Therefore, I am not inclined to grant anticipatory bail to the petitioner.

The bail application is dismissed.

Sd/-
A.HARIPRASAD
JUDGE

//TRUE COPY//

P.A. TO JUDGE

AD