

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

MONDAY, THE 14TH DAY OF DECEMBER 2015/23RD AGRAHAYANA, 1937

Bail Appl..No. 7824 of 2015

**CRIME NO. 238/2015 OF AMBALATHARA POLICE STATION,
KASARAGOD DISTRICT**

PETITIONER(S)/ACCUSED (UNDER CUSTODY) :

**TOMY THOMAS, AGED 38 YEARS,
S/O.THOMAS, RESIDING AT ADUKKA HOUSE, KATTAMADOM P.O,
IRIYA, PULLOOR VILLAGE, HOSUDURG TALUK,
KASARAGOD DISTRICT.**

**BY SRI.M.RAMESH CHANDER (SENIOR ADVOCATE)
ADVS. SRI.ANEESH JOSEPH
SMT.DENNIS VARGHESE**

RESPONDENT(S)/STATE :

**STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM, PIN-682 031.**

BY PUBLIC PROSECUTOR SMT.R.REMA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 14-12-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

Msd.

A.HARIPRASAD, J.

B.A. No.7824 of 2015

Dated this the 14th day of December, 2015

ORDER

Application for bail under Section 439 of the Code of Criminal Procedure.

2. Petitioner is the accused in Ambalathara Police Station Crime No.238 of 2015 registered for offences punishable under Sections 376 of the Indian Penal Code and Sections 5 and 6 of the Protection of Children from Sexual Offences Act, 2012.

3. Prosecution case is that two months prior to 09.07.2015, the accused sexually assaulted his own daughter, a minor aged ten years, and thereby committed the aforesaid offences.

4. Heard both sides.

5. Learned counsel for the petitioner submitted that there is a dispute between the petitioner and his wife and he is falsely implicated in the case.

6. Learned Prosecutor opposed the bail application. It is submitted that charge has been filed in time.

I have gone through the case diary, especially the statement of the victim under Section 164 of the Code of Criminal Procedure.

Considering the relationship between the victim and the accused and the attending circumstances, I am not inclined to grant bail to the petitioner. Court below shall try and dispose of the matter as expeditiously as possible, at any rate within a period of six months from the date of receipt of a copy of this order.

Application is disposed of.

A. HARIPRASAD, JUDGE.

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