

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.P.JYOTHINDRANATH

FRIDAY, THE 18TH DAY OF DECEMBER 2015/27TH AGRAHAYANA, 1937

Bail Appl..No. 7961 of 2015

CRIME NO. 892/2015 OF MANIMALA POLICE STATION, KOTTAYAM
.....

PETITIONER(S)/ACCUSED:

**SEBASTIAN ABRAHAM @ RAJU, AGED 62 YEARS,
S/O.ABRAHAM, PARAYANKAL HOUSE, MANIMALA KARA,
MANIMALA VILLGE, KANJIRAPPALLY TALUK.**

**BY ADVS.SRI.MOHAN JACOB GEORGE
SMT.P.V.PARVATHI
SMT.REENA THOMAS**

RESPONDENT(S)/COMPLAINANT:

**STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,
ERNAKULAM. (FOR SUB INSPECTOR OF POLICE,
MANIMALA POLICE STATION).**

BY PUBLIC PROSECUTOR SMT.S.HYMA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
18-12-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

msv/

K.P.JYOTHINDRANATH, J.

B.A.No.7961 OF 2015

Dated this the 18th day of December, 2015

ORDER

This is an application filed under Section 438 of the Code of Criminal Procedure, 1973. The case of the petitioner is that the petitioner is the accused in Crime No.892/2015 of Manimala Police Station.

2. When the application came up for hearing, the learned counsel for the petitioner submitted that the petitioner is aged 62 years and the allegation is not correct. It is the further submission that the offence for which the crime is registered is under Section 7 and 8 of POCSO Act. The petitioner is conducting a ration shop. It is alleged that a minor child was taken inside the room and the offence committed. It is the submission that the ration shop is conducted in a single room and there is no back room. In support of the same, the petitioner also shown the photographs of the shop room in the open court. It is the further submission that the allegation is that the victim

was taken inside the room. When there is no such inside room for the ration shop, it is an indication that the whole allegation is incorrect.

2. I heard the learned Public Prosecutor. The learned Public Prosecutor submitted before me that the victim is only a minor child and his mental state and all other attending circumstances is to be considered.

3. After going through the case diary and also considering the nature of the offence, I feel that this is not a fit case where anticipatory bail can be granted. Surely, the petitioner can surrender before the Police and co-operate with the case. The offence is exclusively triable by the Special Court. Thus, if the petitioner is arrested and produced before the court and if a bail application is moved, I make it clear that untrammelled by the observations and dismissal of this anticipatory bail application, the regular bail shall be considered.

This bail application is accordingly dismissed.

K.P.JYOTHINDRANATH
JUDGE

sv.