

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.SUDHEENDRA KUMAR

FRIDAY, THE 5TH DAY OF JUNE 2015/15TH JYASHTA, 1937

Bail Appl..No. 8457 of 2014 (b)

(CRIME NOT KNOWN OF KARUNAGAPPALLY POLICE STATION, KOLLAM DISTRICT)

PETITIONER:

G.SIVADASAN, AGED 58 YEARS
S/O. GOPALAN, MUDIYILETHVEEDU, PULIYOORVANCHI
VADAKKU, THAZHAVA P.O., THODIYOOR
KARUNAGAPPALLY.

BY ADVS.SRI.R.LAKSHMI NARAYAN
SMT.R.RANAJIE

RESPONDENTS:

1. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM-682 031.
2. SUB INSPECTOR OF POLICE
KARUNAGAPPALLY POLICE STATION
KARUNAGAPPALLY-690 547.

BY PUBLIC PROSECUTOR, SHRI.RAJESH VIJAYAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 05-06-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

B.SUDHEENDRA KUMAR, J.

Bail Application No.8457 of 2014

Dated this the 5th day of June 2015

O R D E R

The petitioner is the accused in Crime No.3754 of 2014 of Karunagapally police station registered under Section 8 of Protection of Children from Sexual Offence Act, 2012.

2. The prosecution allegation is that the petitioner committed acts falling within the ambit of section 7 of Protection of Children from Sexual Offences Act, 2012 against the minor victim boy, aged ten years, on one Monday, one month prior to 18.11.2014, at about 6 p.m. The petitioner has filed this application praying for the relief under Section 438 Cr.P.C.

3. Heard.

4. The learned Public Prosecutor has opposed the application.

5. It has been submitted by the learned counsel for the petitioner that the petitioner was taken into custody on 12.11.2014 and detained in the police station for a day and in the said circumstances, there is no need to further arrest the petitioner. It has been submitted by the learned Public Prosecutor that the petitioner was not taken into custody by the Police, as submitted by the learned counsel for the petitioner. There is no material to indicate that the petitioner was taken into custody on 12.11.2014 by the police, as submitted by the learned counsel for the petitioner. It appears that there are materials to connect the petitioner *prima facie* with the commission of the offence. The victim is aged only ten years and the petitioner is aged 58 years. Considering the nature and gravity of the allegations raised against the petitioner, I am not inclined to grant the relief under Section 438 Cr.P.C. in favour of the petitioner.

In the result, this application stands dismissed. However, the petitioner shall be at liberty to surrender before the Investigating

Officer within two weeks from today, if so advised. In the event of such surrender by the petitioner, the Investigating Officer shall produce the petitioner before the jurisdictional Magistrate after interrogation. If the petitioner files application for bail on his production before the learned Magistrate, the learned Magistrate shall consider and dispose of the application, in accordance with law, as expeditiously as possible.

sd/

**B.SUDHEENDRA KUMAR,
JUDGE**

dl

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PA TO JUDGE