

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE SUNIL THOMAS

FRIDAY, THE 12TH DAY OF JUNE 2015/22ND JYAISHTA, 1937

Bail Appl..No. 8939 of 2014 ()

CRIME NO. 988/2014 OF PONNANI POLICE STATION , MALAPPURAM

PETITIONER/ACCUSED:

HAMEED
S/O.MOHAMMED, KIZHAKKE OTHALAKATTU HOUSE
VELIYAMCODE P.O., PONNANI TALUK
MALAPPURAM DISTRICT-679579.

BY ADVS.SRI.PHILIP T.VARGHESE
SRI.THOMAS T.VARGHESE
SMT.ACHU SUBHA ABRAHAM
SMT.K.R.MONISHA

RESPONDENT:

STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA
ERNAKULAM REPRESENTING THE STATION HOUSE OFFICER
PONNANI POLICE STATION, MALAPPURAM-679577.

BY PUBLIC PROSECUTOR: ADV.SRI. R.GITHESH

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 12-06-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

SUNIL THOMAS, J.

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B.A.No.8939 of 2014

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Dated this the 12th day of June, 2015

ORDER

The applicant stands accused of offences punishable under Sections 342, 377 and 506(1) of the Indian Penal Code and Sections 3 and 4 of the Protection of Children from Sexual Offences Act, 2012 in Crime No.988 of 2014 of Ponnani Police Station.

2. The de facto complainant, a 17 year old boy complained on 21.11.2014 that the petitioner herein had subjected him to unnatural offence on 19.11.2014. On the basis of that complaint, crime was registered and the police is investigating. Apprehending arrest, petitioner has preferred this pre-arrest bail application.

3. Heard both sides and perused the records.

4. Learned counsel for the petitioner submitted that the entire allegations are unbelievable and appears to be concocted due to previous enmity with the accused. It was contended by the learned counsel that there was a delay of two days in lodging the FIS and it cannot be believed that a 17 year old boy was subjected to such an offence during day time.

5. The allegation against the accused is very serious. It is prima facie difficult to believe that due to previous enmity, an allegation affecting the reputation of a person is likely to be set up. The investigation is only at the initial stage. Considering the very serious nature of allegation, the fact that there is an allegation that the act was committed under threat and all other attending circumstances, I feel that this is not a fit case in which the benefit of pre-arrest bail is liable to be granted.

The bail application is accordingly dismissed.

Sd/-
SUNIL THOMAS
Judge

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