

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

WEDNESDAY, THE 14TH DAY OF JANUARY 2015/24TH POUSHA, 1936

Bail Appl..No. 9048 of 2014 ()

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CRIME NO. 368/2014 OF THUMBA POLICE STATION,
THIRUVANANTHAPURAM DISTRICT
.....**

PETITIONER/ACCUSED:

**-----

STEPHEN JACOB, AGED 44 YEARS,
S/O.JACOB, THYVILAKOM VEEDU, T.C.1/149,
PALLITHURA WARD, ATTIPRA VILLAGE,
THUMBA, THIRUVANANTHAPURAM.**

BY ADV. SRI.SHAJIN S.HAMEED.

RESPONDENT/STATE:

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STATE OF KERALA,
THROUGH THE INSPECTOR OF POLICE,
MEDICAL COLLEGE CIRCLE, THIRUVANANTHAPURAM,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**

BY PUBLIC PROSECUTOR SRI.SREEJITH. V.S.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 14-01-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

rs.

B.KEMAL PASHA, J.

.....
B.A. No.9048 of 2014
.....

Dated this the 14th day of January, 2015

ORDER

Petition filed under Section 439 Cr.P.C.

2. Petitioner is the accused in Crime No.368/2014 of the Thumba Police Station, Thiruvananthapuram registered for the offences punishable under Sections 376 and 506 of the Indian Penal Code and Section 3(a), 4, 5(n) and 6 of the Protection of Children from Sexual Offences Act.

3. This is a case wherein the petitioner, who is the father of a 12 year old girl, had repeatedly committed penetrative sexual assault on her. She was sexually abused repeatedly at first, and ultimately on 24.4.2014 when the girl was alone at the house he forcefully committed rape on her. When she resisted, she was threatened to be killed.

Ultimately she had disclosed the details to her mother and grandmother and the law has been set in motion. Petitioner has been in custody for the period from 14.05.2014 onwards.

4. Heard learned counsel for the petitioner and the learned Public Prosecutor. Perused the CD.

5. The contents of the CD, *prima facie*, reveal the complicity of the petitioner. Final report in this case has already been filed and the matter is presently pending trial as S.C.1362/2014 before the Sessions Court, Thiruvananthapuram. It has come out that for eking her livelihood the mother of the girl is working abroad as a housemaid. At this stage, it is not safe for the victim to enlarge the petitioner on bail.

In the result, this Bail Application is dismissed.

Sd/- B.KEMAL PASHA, JUDGE

ul/-

[True copy]

P.S. to Judge