

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

THURSDAY, THE 22ND DAY OF JANUARY 2015/2ND MAGHA, 1936

Bail Appl..No. 9083 of 2014 ()

CRIME NO. 192/2014 OF WANDIPERIYAR POLICE STATION ,IDUKKI DISTRICT

PETITIONER/6TH ACCUSED:

**ARUN, S/O.CHANDRIKA,AGED 28 YEARS,
KADATTIKARIKKAKOM, NANNIYODU,
PACHA P.O, THIRUVANANTHAPURAM DISTRICT**

BY ADV. SRI.SAJU.S.A

RESPONDENT/COMPLAINANT:

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

BY PUBLIC PROSECUTOR SMT. LALIZA.T.Y.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 22-01-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

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B.KEMAL PASHA, J.

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B.A. No. 9083 of 2014

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Dated this the 22nd day of January, 2015

ORDER

Petition filed under Section 438 Cr.P.C.

2. Petitioner is an accused in Crime No.192 of 2014 of the Wandiperiyar Police Station, registered for the offences punishable under Sections 376 and 354 IPC and Sections 3, 4, 7 and 8 of the Protection of Children from Sexual Offences Act, 2012 (for short 'the POCSO Act').

3. This is a case, in which it is alleged that the 1st accused had committed rape on the defacto complainant minor girl aged 15 and it is alleged that the other accused including the present petitioner had sexually abused the girl on different occasions on different days.

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

5. The contents of the CD *prima facie* reveal the complicity of the petitioner. There is no allegation that the

petitioner has committed rape on the girl or he has committed any penetrative sexual abuse within the meaning of the POCSO Act. At the same time, the allegations against the petitioner are very grave and serious. Matters being so, this is not a fit case wherein anticipatory bail can be granted to the petitioner. At the same time, when no criminal antecedents have been reported against the petitioner, considering the facts and circumstances of the case, I am of the view that this is a case wherein an opportunity can be granted to the petitioner to surrender before the investigating officer and to co-operate with the investigation.

In the result, this bail application is dismissed. At the same time, if so advised, the petitioner may surrender before the investigating officer within ten days from today and in such case, the investigating officer can interrogate the petitioner, effect recovery if any, and conduct the investigation and produce the petitioner without delay before the court below, where the petitioner can move for bail. In such case, the

learned Magistrate shall pass appropriate orders, preferably on the same day itself, provided advance notice on such application has been given to the Assistant Public Prosecutor also.

Sd/-
B. KEMAL PASHA
JUDGE

DSV/22/1/15

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P.A. To Judge