

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

WEDNESDAY, THE 7TH DAY OF JANUARY 2015/17TH POUSHA, 1936

Bail Appl..No. 9115 of 2014

CRIME NO. 1004/2014 OF MANANTHAVADY POLICE STATION , WAYANAD

PETITIONER(S)/2ND ACCUSED :

**ROSEMARY @ RADHAMANI, AGED 29 YEARS,
D/O.IMBICHI, SANSAVIO HOME, DWARAKA,
NALLOORNADU AMSHOM, MANANTHAVADY, WAYANAD.**

**BY ADVS.SRI.KRISHNA PRASAD. S
SIBY BHAGAVANDAS**

RESPONDENT(S)/COMPLAINANT/STATE :

**STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,
REPRESENTING THE STATION HOUSE OFFICER,
MANANTHAVADY POLICE STATION.**

BY PUBLIC PROSECUTOR SMT.LALIZA.T.Y

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 07-01-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Msd.

**Crime number “ 1004/14 of Mananthavady Police Station” shown in the cause
title of the final order dated 07.01.2015 in B.A.No.9115/14 is corrected and substituted
by “Crime Number 1020/2014 of Mananthavady Police Station” as per order
dated 22.01.2015 in Crl.M.A.No.402/15 in B.A.No.9115/14.**

**Sd/-
ASSISTANT REGISTRAR**

B. KEMAL PASHA, J.

.....
B.A. No.9115 of 2014
.....

Dated this the 7th day of January, 2015

ORDER

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Petition under Section 438 Cr.P.C.

2. Four children, who were the inmates of an Orphanage named Sansavio Home, were found missing on 17.11.2014, for which Crime No.1004/2014 of Mananthavady Police Station was registered for the offence punishable under Section 57 of the Kerala Police Act.

3. The children were located by the public on the same day from a distant place and they were brought back. The investigation has revealed that the children were subjected to cruelty and sexual harassment. The investigation has revealed that the 1<sup>st</sup> accused had allegedly subjected the children to sexual harassment and sexual abuse, thereby committing offences under the POCSO Act. It is alleged that the modesty of the two girls out of the said

four children, were severely outraged.

4. The present petitioner is a woman, who is the servant-cum-cook of the said Orphanage. The allegation against her is that the said children were frequently being beaten up by her. The allegation against the petitioner is one under Section 23 of the Juvenile Justice (Care and Protection of Children) Act, 2000.

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

6. Considering the allegations against the petitioner, it seems that at the most, it may constitute an offence within the meaning of Section 23 of the Juvenile Justice (Care and Protection of Children) Act, 2000 as against the petitioner. The other offences cannot be made applicable as far as the petitioner is concerned. Considering all the above, I am of the view that this is a fit case wherein anticipatory bail can be granted to the petitioner.

7. In the result, this bail application is allowed and

the investigating officer or such other police officer, who is conducting the arrest of the petitioner, is directed to enlarge the petitioner on bail in the event of her arrest, on her executing a bond for ₹25,000/- (Rupees twenty five thousand only) with two solvent sureties each for the like sum to the satisfaction of the officer conducting arrest, and subject to the following terms and conditions:-

*(i) The petitioner shall report before the investigating officer in between 9 a.m. and 11 a.m. on all Wednesdays and Saturdays, commencing from 14.01.2015 for a period of three months or till the filing of the final report in this case, whichever is earlier.*

*(ii) The petitioner shall not tamper with the evidence or influence witnesses.*

*(iii) The petitioner shall make herself available for interrogation as and when required by the investigating officer.*

*(iv) The petitioner shall not involve in any*

*offence while on bail.*

It is made clear that the violation of any of the conditions stipulated above will result in the cancellation of bail.

Sd/-  
**(B.KEMAL PASHA, JUDGE)**

aks/07/01

Crime No.1004/2014 shown in the 3<sup>rd</sup> line of 2<sup>nd</sup> paragraph at page 1 of the final order dated 07.01.2015 in B.A.No.9115/2014 is corrected and substituted as Crime No.1020/2014, vide order dated 22.01.2015 in CrI.M.A.No.402/2015 in B.A.No.9115/2014.

Sd/-  
Registrar(Judicial)