

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

TUESDAY, THE 6TH DAY OF JANUARY 2015/16TH POUSHA, 1936

Bail Appl..No. 9177 of 2014

CRIME NO. 1135/2014 OF KODUMON POLICE STATION, PATHANAMTITTA.
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PETITIONER/ACCUSED NO 3:

**JYOTHIN, AGED 19 YEARS,
THOMAS, JITHIN BHAVAN,
KODUMON MURI, KODUMON VILLAGE,
ADOOR TALUK, PATHANAMTHITTA DISTRICT.**

BY ADV. SRI.M.T.SURESHKUMAR

RESPONDENT/COMPLAINANT:

**STATE OF KERALA, REPRESENTED
BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**

BY PUBLIC PROSECUTOR SMT.LALIZA.T.Y.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 06-01-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

mbr/

B.KEMAL PASHA, J.

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B.A. No. 9177 of 2014

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Dated this the 6th day of January, 2015

ORDER

Petition filed under Section 438 Cr.P.C.

2. The petitioner is the 3rd accused in Crime No.1135 of 2014 of the Kodumon Police Station, registered for the offences punishable under Sections 323, 324, 354, 354 A and 354 B read with Section 34 IPC and Sections 11, 12 and 17 of the Protection of Children from Sexual Offences Act, 2012.

3. The defacto complainant girl, aged 16, was approached by 1st accused girl, who is one of her friends for downloading some materials from Internet. The defacto complainant girl happened to see that the 1st accused was watching pornographic materials from the Internet. She resisted. Thereafter, on a subsequent day, the defacto complainant girl was invited by the 1st accused to meet her friends at another place. She was taken to a house that was under construction, where A2 and A3 young men were

present. She was dragged into the room. She was beaten and she was terribly sexually assaulted and sexually abused. Thereafter she was being tortured and harassed over the phone by demanding to have sex again with the petitioner and others. Her mobile number was distributed to many other persons and she was terribly harassed by other men.

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

5. The contents of the CD *prima facie* reveal the complicity of the petitioner. The arguments put forward by the learned counsel for the petitioner that the petitioner has been falsely implicated, can only be taken with a pinch of salt. The investigation of this case is not over. The allegations against the petitioner are very grave and serious. This is not a fit case wherein anticipatory bail can be granted.

In the result, this bail application is dismissed.

**B. KEMAL PASHA
JUDGE**