

Govindan.P.E Vs. State

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Court : Kerala

Decided On : Apr-29-2014

Judge : Honourable Mr. Justice K.Abraham Mathew

Appellant : Govindan.P.E

Respondent : State

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR. JUSTICE P.D.RAJAN TUESDAY, THE 29TH DAY OF APRIL 2014 9TH VAISAKHA, 1936 Bail Appl..No. 2874 of 2014 () ----- CRIME NO. 162/2014 OF PERINGOME POLICE STATION, KANNUR DISTRICT ----- PETITIONER/ACCUSED : ----- GOVINDAN P.E., AGED 42 YEARS S/O. CHERIYA VISHNU NAMBOODIRI, TEACHER PUTHUMANA ILLAM, CHOORAL, P.O.MATHIL-670 307. BY ADVS.SRI.M.SASINDRAN SRI.A.ARUNKUMAR RESPONDENTS/COMPLAINANT & STATE : ----- 1. STATE - REPRESENTED BY PUBLIC PROSECUTOR HIGH COURT OF KERALA, ERNAKULAM-682031.

2. THE STATION HOUSE OFFICER (CRIME NO.162/2014 OF PERINGOME POLICE STATION) KANNUR DISTRICT-670307. R1 & R2 BY PUBLIC PROSECUTOR SMT. BINDU GOPINATH THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 29-04-2014, ALONG WITH BA NO. 2890/2014 &

CONNECTED CASES, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: Mn P.D.RAJAN, J B.A.Nos.2874, 2890, 2894, 2896 & 2897 of 2014 Dated 29th April, 2014

ORDER

Petitioner is the accused in Crime Nos.162 of 2014, 159 of 2014, 160 of 2014, 161 of 2014 & 166 of 2014 of Peringome Police Station registered for the offences punishable under Section 9 (f) read with Section 10 of Protection of Children from Sexual Offences Act, 2012 and under Section 23 of Juvenile Justice Act, 2000. The allegation in all the above cases is that while working as a teacher of Perunthatta North ALP School, during the academic year 2013- 2014, he committed sexual assault towards minor students of the said school of std IV and V and thereby committed the offence.

2. On the basis of information given by the victims, Peringome police registered the above crime and investigation is going on. Petitioner was arrested on 23.2.2014 and remanded to judicial custody. His bail application was dismissed by learned Sessions Judge, Thalassery. In the circumstance, petitioner approached this court.

3. Heard both sides. Learned counsel for the petitioner Ba 2874/14 & conn.cases 2 contended that petitioner is a teacher of the above school and due to personal enmity of other teachers and the managers, he has been falsely implicated in these cases. It is submitted that he is innocent and is ready to abide by any condition imposed by this court.

4. Learned Public Prosecutor strongly opposed the application and contended that petitioner has committed sexual assault of minor girls who are students of the above school, in which petitioner is working as a teacher. If he is enlarged on bail, he will repeat the offence and it will adversely affect the investigation. It will also affect the future of the victims in these cases.

5. Based upon the argument, I have considered the case diary submitted by learned Public Prosecutor. This is a special statute enacted by the Parliament in order to preserve the right of the children as per the direction of General

Assembly, United Nations by virtue of the convention on the right of children. It provides to prescribe a standard for each State for ensuring the security of each child in the State. In order to protect the development of the child, and the right of privacy and confidentiality, the enactment was passed by the Ba 2874/14 & conn.cases 3 Parliament as per the direction of United Nations in which India is a member of that organisation. The paramount importance was given to ensure the physical security of children in the school. Now a days, exploitation towards children are increasing day by day. Inducement of students to engage in unlawful sexual activities are also reported by several colleges and schools. Investigation in this case is progressing. It is the responsibility of this State to protect the interest of minor children who are students in various schools in the State. The allegation against the petitioner is that he committed several offences towards several minor children who are students in the said school. Investigation is progressing and I am of the view that if petitioner is enlarged on bail at this stage, it will affect the investigation and also the future of the victims in these cases. Therefore petitioner is not entitled to bail and the bail applications are dismissed accordingly.

P.D.RAJAN, JUDGE Igk

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