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Dijesh, vs State of Kerala,

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Court : Kerala Orders

Decided On : Jan-09-2024

Judge : Honourable Mrs. Justice Sophy Thomas

Appeal No. : Bail Appl./11302/2023

Appellant : Dijesh,

Respondent : State of Kerala,

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MRS. JUSTICE SOPHY THOMAS TUESDAY, THE 9TH DAY OF JANUARY 2024 / 19TH POUSHA, 1945 CRIME NO.1345/2023 OF MEDICAL COLLEGE POLICE STATION, KOZHIKODE. PETITIONER/ACCUSED: DIJESH, AGED 41 YEARS, S/O.VELAYUDHAN NAIR, IZHAKKEKAVAYAPURATH (H), MIE, KUNNAMANGALAM P.O., KOZHIKODE, PIN-673 571. BY ADVS. S.RAJEEV V.VINAY M.S.ANEER SARATH K.P. PRERITH PHILIP JOSEPH ANILKUMAR C.R. K.S.KIRAN KRISHNAN RESPONDENT/STATE: 1 STATE OF KERALA, REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA (CRIME NO. 1345/2023 OF MEDICAL COLLEGE POLICE STATION, KOZHIKODE

DISTRICT), PIN-682 031. 2 XXXXX XXXXX SRI. PRASANTH M.P., PUBLIC PROSECUTOR THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 09.01.2024, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: -2-

ORDER

Dated this the 9th day of January, 2024 This is an application for anticipatory bail filed by the sole accused in Crime No.1345 of 2023 of Medical College Police Station, Kozhikode registered for the offences punishable under Section 354A(1)(ii)(iv) of the Indian Penal Code and Section 8 read with Sections 7, 10 read with 9(l) of Protection of Children from Sexual Offences Act.

2. The prosecution allegation is that the petitioner

was a bus conductor in a private bus by name 'Thiruvonam'. On 28.10.2023 and 06.11.2023, while the victim girl aged 15 was travelling in that bus from Kovoor to Kuttikkattoor, he caught hold on her body with sexual intent.

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

4. Learned counsel for the petitioner would submit

that in a crowded bus, if somebody happens to touch the body of a girl, it cannot be termed as an offence. But the 164 statement of the victim girl is sufficient to show that -3- the offences alleged are prima facie made out. Though the petitioner has got a case that previously there occurred some altercation between himself and the uncle of the victim girl, and due to that enmity, a false case was foisted against him, using the minor girl etc. etc. is not inspiring confidence of this Court.

5. Considering the nature of the offence alleged,

and the stage of investigation, this Court is not inclined to grant anticipatory bail to the petitioner. His release may cause threat to the life and liberty of the defacto complainant. Hence, this bail application is dismissed. The petitioner is at liberty to surrender before the trial court to seek regular bail, and if he files an application for

regular bail on the date of surrender, learned Magistrate has to consider that application on the date of filing itself, as far as possible. Sd/- SOPHY THOMAS JUDGE bpr -4- APPENDIX OF BAIL APPL. 11302/2023 PETITIONER'S ANNEXURES Annexure-I TRUE COPY OF THE FIR AND FIS CRIME NO STATION. Annexure-II AN ACCUSED COPY OF THE ORDER DATED 02.12.2023 IN CRL MC NO 557/2023 PASSED BY THE ADDITIONAL DISTRICT AND SESSIONS COURT FOR TRIAL OF CASES RELATING TO ATROCITIES AND SEXUAL VIOLENCE TOWARDS WOMEN AND CHILDREN, KOZHIKODE.

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