

Babu Thomas vs State of Kerala

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Court : Kerala

Decided On : Mar-16-2022

Judge : Honourable Mr. Justice Gopinath P.

Appeal No. : Bail Appl./681/2022

Appellant : Babu Thomas

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE GOPINATH P.
WEDNESDAY, THE 16TH DAY OF MARCH 2022 / 25TH PHALGUNA,
BAIL APPL. NO. 681 OF 2022 CRIME NO.18/2022 OF ERNAKULAM
NORTH POLICE STATION, ERNAKULAM PETITIONER/SOLE
ACCUSED: BABU THOMAS, AGED 56 YEARS CHITTEZHATH
HOUSE, NEAR BEENA NURSING HOME, HOSPITAL JUNCTION,
NJARAKAL P O, ERNAKULAM DISTRICT-682 503. ERNAKULAM, PIN -
682503 BY ADV G.SREEKUMAR (CHELUR)
RESPONDENT/COMPLAINANT & VICTIM: 1 STATE OF KERALA HIGH
COURT OF KERALA ERNAKULAM, PIN - 682031 2 XXXXXXXXXXXX
(VICTIM)SECOND RESPONDENT BY ADVS. K.P.PRADEEP OTHER

PRESENT: SRI. NOUSHAD K.A. (SR.PP) THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 16.03.2022, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: ..2..

ORDER

This is an application for regular bail.

2. The petitioner is the accused in Crime No. 18 of 2022 of Ernakulam

Town North Police Station, Ernakulam District, alleging commission of offences under Section 7 r/w Sections 8, 9(l) & 9(m) r/w Sections 10, 11 & 12 of the Protection of Children from Sexual Offences Act, 2012.

3. The allegation against the petitioner is that in the year 2016, the

petitioner sexually abused and touched the private parts of the victim girl at a time when she was studying in the 4 th standard and was residing in an apartment complex at SRM Road, Kaloor. According to the prosecution, later, the victim girl and her family shifted their residence to a villa complex, where recently, the victim girl again came into contact with the petitioner. It is alleged that thereupon, the victim girl developed some trauma, following which, she was counselled and she revealed the instances of sexual abuse at the hands of the petitioner during the year, 2016.

4. The learned counsel for the petitioner submits that the petitioner is

absolutely innocent in the matter. It is submitted that the petitioner is alleged to have committed the offences only on account of some misunderstanding. It is further submitted that the petitioner has ..3.. been in custody from 12.01.2022 and his continued detention is not necessary for the purpose of any investigation.

5. The learned Public Prosecutor vehemently opposes grant of bail.

According to the learned Public Prosecutor, the victim had been subjected to counselling when she revealed the incident of assault by the petitioner. The counsellor gave a report to the school and thereafter the crime was registered. It is submitted that if the petitioner is granted bail, there is every chance of the petitioner coming into contact with the victim girl again and this may cause severe trauma to the victim girl. It is further submitted that the investigation is almost completed and that a final report is expected to be filed soon. It is submitted that the petitioner should not be released on bail at this point of time.

6. Having regard to the facts and circumstances of the case and taking

into account the fact that the petitioner has been in custody from 12.01.2022, I am of the view that the petitioner can be granted bail, subject to conditions. In the result, the bail application is allowed and it is directed that the petitioner shall be released on bail subject to the following conditions:

(a) The petitioner shall execute bond for a sum of Rs.50,000/-

(Rupees fifty thousand only) with two solvent sureties each ..4.. for the like sum to the satisfaction of the jurisdictional court; (b)Petitioner shall appear before the investigating officer in Crime No. 18 of 2022 of Ernakulam Town North Police Station, Ernakulam District, whenever called upon to do so;

(c) The petitioner shall not enter the local limits of Ernakulam

Town North Police Station except for the purpose of complying with condition No.(b) above or for appearance before any court or authority; (d)The petitioner shall not attempt to interfere with the investigation or to influence or intimidate the victim or any witness in Crime No. 18 of 2022 of Ernakulam Town North Police Station, Ernakulam District;

(e) The petitioner shall not involve in any other crime while on

bail. If any of the aforesaid conditions is violated, the investigating officer in Crime No. 18 of 2022 of Ernakulam Town North Police Station, Ernakulam District, may file an application before the jurisdictional court for cancellation of bail. Sd/-
GOPINATH P. JUDGE bka/16.03.2022

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