

Khasim vs State of Kerala

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Court : Kerala Orders

Decided On : Jun-30-2022

Judge : Honourable Mr. Justice Bechu Kurian Thomas

Appeal No. : Bail Appl./1610/2022

Appellant : Khasim

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE BECHU KURIAN THOMAS THURSDAY, THE 30TH DAY OF JUNE 2022 / 9TH ASHADHA, 1944 [IN CRIME NO.78/2022 OF THAMARASSERY POLICE STATION, KOZHIKODE] PETITIONER/ACCUSED: KHASIM AGED 65 YEARS KANNAPPANKUND, KOZHIKODE RURAL, KOZHIKODE, PIN - 673620 BY ADVS. ANOOP.V.NAIR RAMESH CHAND DEVI P. A.K.ANANDA KRISHNAN RESPONDENTS: 1 STATE OF KERALA REPRESENTED BY PUBLIC PROSECUTOR,HIGH COURT OF KERALA ERNAKULAM, PIN - 682031 2 SUB INSPECTOR OF POLICE, THAMARASSERY POLICE STATION, KOZHIKODE RURAL, KOZHIKODE, PIN - 673620 BY ADV NOUSHAD. K. A- SR.PP

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 30.06.2022, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

BECHU KURIAN THOMAS, J.

===== B.A.No. 1610 of 2022
===== Dated this the 30th day of June,
2022

ORDER

This is an application seeking pre-arrest bail filed under Section 438 of Code of Criminal Procedure, 1973.

2. Petitioner seeks pre-arrest bail in Crime No.78/2022

of Thamarassery Police Station, Kozhikode District, alleging offences under Section 354A(1)(i) r/w Section 506 of the Indian Penal Code, 1860 and Sections 91, 10, 11(vi) and 12 of the Protection of Children from Sexual Offence Act, 2012.

3. The prosecution case is that the petitioner sexually harassed the victim on 05.02.2022, thereby, committing the offences alleged against him.

4. Shri.Anoop V. Nair, the learned counsel appearing for

the petitioner, vehemently contended that the incident is totally false and the victim and her family has the habit of making allegations against people falsely. He further pointed out that this the 3rd such incident and this time petitioner is made the scapegoat. According to the learned counsel, the reason for the false complaint is only because petitioner had demanded cost of the milk supplied from his farm to the de-facto complainant and the said demand agitated the victims family resulting in the complaint now filed against him.

5. Shri.Noushad K.A., the learned Public Prosecutor opposed the grant of bail and submitted that custodial interrogation is necessary, taking into consideration, the seriousness of the offence.

6. On a consideration of the circumstances arising in the

case and on an appreciation of the arguments of either counsel, I am of the view that the allegations are serious in nature and custodial interrogation of the petitioner is required. In view of the above, the petitioner is not entitled to be released on bail.

7. However, if petitioner appears before the Investigating

Officer on 06.07.2022 and subject himself to interrogation and the Investigating Officer proposes to arrest the petitioner, he shall be produced before the jurisdictional Court as expeditiously as possible, and thereafter, the jurisdictional Court shall consider any application for bail, if filed, without further delay. This bail application is dismissed.

Sd/- BECHU KURIAN THOMAS JUDGE ssa/

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