

Akbarsha vs State of Kerala

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Court : Kerala Orders

Decided On : Jan-31-2022

Judge : Honourable Mrs. Justice C.S. Sudha

Appeal No. : Bail Appl./9492/2021

Appellant : Akbarsha

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MRS. JUSTICE C.S. SUDHA
MONDAY, THE 31ST DAY OF JANUARY 2022 / 11TH MAGHA, 1943
Crime No.700/2021 of Kottiyam Police Station,Kollam District
PETITIONER/S: AKBARSHA, AGED 45 YEARS, S/O KAHUBUL ANBAR
K., PUNTHALAVILA VEEDU, MYLAPORE, UMayANALLOOR
P.O.THAZHUTHALA VILLAGE, KOLLAM DISTRICT BY ADV K.V.ANIL
KUMAR RESPONDENT/S: STATE OF KERALA, REPRESENTED BY
THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM-682 031. OTHER PRESENT: GP SMT.C.SEENA THIS
BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
31.01.2022, THE COURT ON THE SAME DAY DELIVERED THE

FOLLOWING: -2-

C.S.SUDHA, J.

Bail Application No.9492 of 2021 Dated this the 31th day of January, 2022

ORDER

This is an application under Section 438 Cr.P.C. for pre-arrest

bail filed by the petitioner/accused in Crime No.700/2021 of Kottiyam Police Station, Kollam District, alleging the commission of the offences punishable under Sections 354A(1)(i), 354D IPC, Sections 8, 10 and 12 of the Protection of Children from Sexual Offences Act, 2012 and Section 75 of the Juvenile Justice (Care and Protection of Children) Act, 2015.

2. The prosecution case is that, on 21.11.2021 at about 5.45

p.m., the informant, a minor girl aged 10 years was sexually assaulted by the accused, who is a teacher of the Madrassa, where she was attending classes and that with sexual intent, he had repeatedly pinched -3- her breast and thereby committed the offences punishable under the above-mentioned Sections.

3. The application is opposed by the learned Public Prosecutor

on the ground that the petitioner has been repeatedly sexually harassing the girl right from the year 2017 onwards and that it was only in 2021 the girl had revealed the incident to others. It is also submitted that the girl has given consistent statements regarding the assault to the police as well as in her 164 statement.

4. It is submitted by the learned counsel for the

petitioner/accused that the petitioner is innocent of the offences alleged against him; that he is a religious teacher who has a high reputation in the society and that he has no criminal antecedents.

5. Heard both sides. Perused the records.

6. The victim in this case is a very young girl aged 10 years.

The allegations against the petitioner are quite serious especially taking into account the fact that he is her teacher. The learned counsel for the petitioner has not been able to show any circumstance from the -4- materials before this Court to substantiate the submission that the present case is a false and fabricated one. As of now there is nothing before this Court to disbelieve the version put forward by the prosecution. In light of the nature of the offences alleged against the petitioner/accused, this Court is not inclined to grant pre-arrest bail to the petitioner/accused. Hence the request for bail is rejected and the bail application is dismissed. sd/-- C.S.SUDHA, JUDGE STK

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