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Theons vs State of Kerala

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Court : Kerala Orders

Decided On : Nov-25-2022

Judge : Honourable Mr. Justice Bechu Kurian Thomas

Appeal No. : Bail Appl./9856/2021

Appellant : Theons

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE BECHU KURIAN THOMAS FRIDAY, THE 25TH DAY OF NOVEMBER 2022 / 4TH AGRAHAYANA, 1944 Crime No.282 of 2021 of Poonthura Police Station, Thiruvananthapuram AGAINST THE ORDER/JUDGMENTSC 1214/2021 OF SPECIAL COURT UNDER POCSO ACT, THIRUVANANTHAPURAM PETITIONER/ACCUSED: THEONS AGED 46 YEARS, S/O.THOMAS, RESIDING AT TC 47/1130, POONTHURA, POONTHURA P.O., THIRUVANANTHAPURAM - 695 226. BY ADV Y.BEYLINE DASY RESPONDENTS: 1 STATE OF KERALA REP. BY PUBLIC PROSECUTOR. 2 XX XX OTHER PRESENT: PP - SRI.NOUSHAD K.A THIS BAIL APPLICATION HAVING COME UP FOR

ADMISSION ON 25.11.2022, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

BECHU KURIAN THOMAS, J.

---------- B.A.NO. 9856 of 2021 ---------- Dated this the 25th day of November, 2022

ORDER

This is an application for regular bail filed under Section 439 of the Code of Criminal Procedure, 1973.

2. Petitioner is the sole accused in Crime No.282 of 2021 of

Poonthura Police Station, Thiruvananthapuram District, alleging offences under Section 377 and 506 of the Indian Penal Code, 1860 apart from Sections 6(1), 5l, and 5m of the Protection of Children from Sexual Offences Act, 2012.

3. According to the prosecution petitioner committed aggravated penetrative sexual assault and unnatural carnal intercourse against the

order of nature on a minor boy aged 12 years and thereby committed

the offences alleged.

4. Sri. Noushad K.A, the learned Public Prosecutor opposed the grant of anticipatory bail and has informed that the trial has been scheduled to be held from 12-12-2020 onwards.

5. Even though the petitioner has been in custody from 31-05-2021, and this bail application was filed on 20-12-2021, the matter has been pending consideration since then.

6. In view of the trial having been scheduled and considering the

seriousness of the allegations, I am of the view that this is not a fit case where the petitioner can be released on bail. Accordingly, this bail application is dismissed. BECHU KURIAN THOMAS JUDGE AJM/26/11/22 APPENDIX OF BAIL APPL. 9856/2021 PETITIONER ANNEXURES Annexure A1 CERTIFIED COPY OF THE FIR IN CRIME NO.282/2021 OF POONTHURA POLICE STATION. Annexure A2 COPY OF THE ORDER IN CRL.M.P.NO.759/2021

BY THE ADDITIONAL SESSIONS JUDGE FOR TRIAL OF CASES RELATING TO ATROCITIES AND SEXUAL VIOLENCE AGAINST WOMEN AND CHILDREN, THIRUVANANTHAPURAM. Annexure A3 CERTIFIED COPY OF THE FINAL REPORT IN CRIME NO.282/2021 OF POONTHURA PS, THIRUVANANTHAPURAM. //TRUE COPY// PA TO JUDGE

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