

Sabu vs State of Kerala

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Court : Kerala Orders

Decided On : Jun-29-2021

Judge : Honourable Mrs. Justice Shircy V.

Appeal No. : Bail Appl./4848/2021

Appellant : SABU

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MRS. JUSTICE SHIRCY V. TUESDAY, THE 29TH DAY OF JUNE 2021 / 8TH ASHADHA, 1943 BAIL APPL. NO. 4848 OF 2021 PETITIONER/ACCUSED: SABU AGED 36 YEARS POOMULLY HOUSE, VETILAPPARA-15 DESOM, ATHIRAPPILLY VILLAGE, THRISSUR DISTRICT. THRISSUR, PIN - 680724 BY ADVS. PRABHU K.N. MANUMON A. JAYAN KUTTICHAKKU RESPONDENT/COMPLAINANT: 1 STATE OF KERALA REPRESENTED BY PUBLIC PROSECUTOR,HIGH COURT OF KERALA ERNAKULAM, PIN - 682031 2 XXXXXXXXXX AGED 7 YEARS XXXXXXXXX BY ADV PUBLIC PROSECUTOR OTHER PRESENT: AJITH MURALI -P.P THIS BAIL APPLICATION HAVING COME UP FOR

ADMISSION ON 29.06.2021, THE COURT ON THE SAME DAY
DELIVERED THE FOLLOWING:

ORDER

Dated this the 29th day of June, 2021 Application for regular bail.

2. The petitioner is the sole accused in

registered for the offences punishable under Section 6 read with Section 5(l) and (m) and Section 12 read with Section 11 of the Protection of Children from Sexual Offences Act and Sections 342, 370, 449 and 376AB of Indian Penal Code.

3. The prosecution case is that during 2020

this petitioner had committed aggravated penetrative sexual assault on a minor child aged 7 years at her residence on various occasions and thereby committed the alleged offences.

4. The learned counsel for the petitioner would submit that he has been in custody since 08.04.2021. He is absolutely innocent, but he has been falsely implicated in the case. Hence, this application.

5. According to the learned Public

Prosecutor, the investigation of the case is well in progress. But the offences alleged against this petitioner are grave and serious in nature. He has committed the offences against the minor girl not only on one occasion, but on various days and hence, granting of bail would give opportunity to repeat the offences and if so that would definitely affect the investigation of the case adversely.

6. Heard the learned counsel for the petitioner as well the learned Public Prosecutor.

7. Of course, the petitioner has been in

custody since the date of his arrest, i.e. 08.04.2021. The minor involved in this case is aged only 7 years. The place of incident is her own house and that will add the gravity of the offences alleged against him. The petitioner is residing near to the residence of the victim. Considering the gravity of the offences alleged against the petitioner, the age of the victim, the fact that he is her neighbour and the other facts and circumstances involved in this case, I think that if he is released on bail, there is every possibility to intimidate the minor child and to repeat similar offences. Such being the case, I do not think that the petitioner is entitled to get an order for his release on bail just considering the period of incarceration undergone by him in this case. Dismissed. Sd/- SHIRCY V JUDGE

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