

IN THE COURT OF FAST TRACK SPECIAL JUDGE, DEVIKULAM

Present: Sri. JOHNSON M.I , SPECIAL JUDGE

Thursday, the 20th day of March, 2025/ 29th day of Chaithra, 1947.

CRIMINAL MP No. 140/2025

IN

SC No. 766/2024

(Crime No. 672/2024 Vellathooval Police Station)

Petitioner: Kurien, aged 59/2024, S/o. Ouseph, Kuzhiyalil House,
Mylappuzha bhagom, Pazhayarikkandom kara, Kanjikkuzhi
Village, Idukki District.

Adv. K.P Prasannakumari

Respondent: State of Kerala represented by the Inspector of Police,
Vellathooval Police Station.

Special Public Prosecutor (in-charge)

This petition coming on hearing 20/03/2025 before me in the presence of the counsel for the accused and Special Public Prosecutor (in-charge) and the Court on the same day passed the following :-

O R D E R

1. Petitioner is the accused in the above case. This is an application for bail filed by the accused in the above case.

2. The offences alleged against accused are punishable under sections 7 r/w 8 of POCSO Act, 324 of IPC and Sec.75 of Juvenile Justice Act.

3. The prosecution case is that, the accused who is the grand father of the victim minor girl aged less than 6 years, sexually assaulted the victim on several occasions at their Kuzhiyalil house at Sengulam and thereby committed the alleged offences.

4. The accused was arrested and produced before JFCM Court, Adimaly on 10/10/2024 and he is in judicial custody from that day onwards.

5. Copy of the above application was served to the investigating officer and Special Public Prosecutor (in-charge), Notice was issued to the victim in this case. Even though notice was received, the victim did not appear before the Court and there was no representation for the victim. The learned Special Public Prosecutor (in-charge) filed a detailed report objecting the bail application by contenting that, if the bail is granted it would be a great injustice. It is further stated that another case against the accused for sexually abusing the brother of the victim herein and yet another case against the accused for sexually abusing a 6 year old child in the year 2012.

6. I heard the learned counsel for the accused and the Special Public Prosecutor (in-charge).

7. In this case Final Report was filed. It is true that there is another case against the accused for sexually abusing a child below the age of 12 years. It is true that the allegations are very serious in nature. But, it can be seen that the accused is in judicial custody from 10/10/2024 onwards and he is in judicial custody for more than 5 months. At this stage it is to be considered that at present there is no regular Special Public Prosecutor in this Court and trial cannot be started in the immediate future. Without conducting trial, detaining the accused in jail is not proper. Hence, I am of the view that bail can be granted to the accused with stringent conditions.

8. In the result, bail is granted to the accused on the following conditions.

- 1) The accused shall be released on bail on executing a bond of ₹. 1,00,000/- (Rs. One lakh only) with two solvent sureties each for the like sum.
- 2) The accused shall not leave India without permission of this Court.
- 3) The accused shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected.
- 4) The accused shall not intimidate or try to induce the witnesses in this case.
- 5) The accused shall not enter into the Panchayath in which the victim is residing.

- 7) If any of the conditions is violated by the accused, bail will be cancelled.

Dictated to the Confidential Assistant, transcribed and typed by her, corrected and pronounced by me in open court on this the 20th day of March, 2025.

JOHNSON M.I
SPECIAL JUDGE.

APPENDIX - NIL

JOHNSON M.I
SPECIAL JUDGE.