

IN THE COURT OF FAST TRACK SPECIAL JUDGE, DEVIKULAM

Present: Sri. JOHNSON M.I , SPECIAL JUDGE

Friday, the 28th day of January, 2025/ 8th day of Magha, 1946.

CRIMINAL MP No. 45/2025

IN

SC No. 767/2024

(Crime No. 673/2024 Vellathooval Police Station)

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

Adv. M.S Vinayaraj

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

Special Public Prosecutor (in-charge)

This petition coming on hearing 28/01/2025 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

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 boy 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 sister 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. I have analyzed the submissions from both sides. It is true that the final report is filed in this case. The case is going to be scheduled for trial. The allegations are very serious in nature. As submitted by the Special Public Prosecutor (in-charge), if the accused is released on bail, there are every chances to affect the trial and to influence the witnesses. Apart from that, there are other

cases against the accused for sexually abusing the child below the age of 12 years. Hence, I do not find any reason to grant bail to the accused in a case of this nature. In such circumstances, I am of the opinion that the accused deserves no leniency as claimed by the counsel for the accused and the application filed by him is only to be dismissed.

In the result, the bail application is dismissed.

Dictated to the Confidential Assistant, transcribed and typed by her, corrected and pronounced by me in open court on this the 28th day of January, 2025.

JOHNSON M.I
SPECIAL JUDGE.

APPENDIX - NIL

JOHNSON M.I
SPECIAL JUDGE.