

IN THE COURT OF THE ADDL. SESSIONS JUDGE-I, KOLLAM

Present:- Smt. P. Mayadevi, Addl. Sessions Judge-I, Kollam
Monday, the 1st day of August, 2022/ 10th day of Sravana, 1944.

Criminal. M.C. No. 1508/2022

(Crime No. 550/2022 of Sakthikulangara Police Station.)

Petitioner : Baiju @ Chandu, aged 29 years, S/o. Balan,
Enavila veedu, Kavanadu. P.O,
Sakthikulangara Village, Kollam.
By Adv: Sri. K. Vipin Mohan Unnithan

Respondent : State of Kerala represented by the Sub
Inspector of Police, Sakthikulangara Police
Station through the Special Public Prosecutor,
Kollam.

Read the Crl. MC. No. 1508/2022 put in by the advocate for the petitioner
praying to enlarge the petitioner on bail u/s 439 Cr.PC.

Heard, perused the records and passed the following:-

ORDER

This is an application filed by the petitioner u/s. 439 of the Code of
Criminal Procedure, 1973.

2. The petitioner is the sole accused in Crime No. 550/2022 of the
Police Station, Sakthikulangara. The offences alleged against him are
punishable u/ss. 8 r/w 7 and 10 r/w 9(l) of the Protection of Children from
Sexual Offences Act, 2012.

3. The prosecution case in nutshell is as follows:-

The victim of the instant crime is a minor boy, aged 16 years at the time of alleged incident. The petitioner, with his intention and preparation to sexually assault the victim, touched his sexual organ. Thus the petitioner is alleged to have committed the above said offences.

4. As per the records, the petitioner was arrested on 23.07.2022 and now he is in judicial custody.

5. Heard both sides.

6. Now the point that arose for consideration:-

Whether the petitioner can be enlarged on bail at this stage?

7. **The Point**:- At this juncture, the learned counsel for the petitioner vehemently argued that, the entire allegations levelled by the prosecution is totally false. The petitioner is totally innocent. Also, the petitioner is ready to abide any condition as imposed by this Court.

8. At the same time, the learned Special Public Prosecutor opposed. According to her, the allegations against the petitioner are grave in nature. If the petitioner is enlarged on bail, he will certainly intimidate or influence the witnesses. It will interrupt the further progress of the investigation.

9. I have perused the Case Diary and other materials on records. It

shows that, the investigation is not yet completed and it is in progress. Moreover, the statement of the victim contains serious allegations against the petitioner.

10. The report of the Investigating Officer is that, if enlarged on bail, there is every chance for the petitioner to tamper with the evidence and to intimidate the victim or to influence the witnesses.

11. It is well settled that, the following parameters are to be considered while granting a bail to a person:-

- (i) whether there is any *prima facie* or reasonable ground to believe that the accused had committed the offence;
- (ii) nature and gravity of the charge;
- (iii) severity of the punishment in the event of conviction;
- (iv) danger of the accused absconding or fleeing, if released on bail;
- (v) character, behaviour, means, position and standing of the accused;
- (vi) likelihood of the offence being repeated;
- (vii) reasonable apprehension of the witnesses being tampered with; and
- (viii) danger, of course, of justice being thwarted by grant of bail.

[See: - **Prahlad Singh Bhati v. NCT, Delhi (2001 (4) S.C.C 280)**].

12. Considering the above legal provisions, it can be seen that, the allegations against the petitioner are of very serious nature. The victim of the incident had given clear statement against the petitioner before the Investigating

Officer. Moreover, the investigation is in progress. In these circumstances, I am of the view that, at this stage, the petitioner cannot be enlarged on bail. The likelihood of crime being repeated also cannot be discarded. So, considering the totality of the entire aspects, I am of the view that, the petitioner could not be enlarged on bail and thereby not inclined to allow this petition.

In the result, Criminal M.C dismissed.

Dictated to the Confidential Assistant, transcribed and typed by her, revised and corrected by me and pronounced in open Court on this the 01st day of August, 2022.

Sd/-
P. Mayadevi
Addl. Sessions Judge-I

Typed by : Bindhu. R
Compared by : Latha.L