

(2023) 12 KL CK 0098

In the High Court Of Kerala

Case No : Bail Application Nos. 10701, 10703, 10706 Of 2023

Johnny

APPELLANT

Vs

State Of Kerala

RESPONDENT

Date of Decision : 12-12-2023

Acts Referred:

Indian Penal Code, 1860 — Section 377

Protection of Children from Sexual Offences Act, 2012 — Section 7, 8, 9(p), 10

Citation : (2023) 12 KL CK 0098

Hon'ble Judges : Gopinath P., J

Bench : Single Bench

Advocate : Leo Lukose, Enoch David Simon Joel, S.Sreedev, Rony Jose, Karol Mathews Sebastian Alencherry, Akshay Pavan, Derick Mathai Saji, Karan Scaria Abraham, Noushad K.A.

Final Decision : Dismissed

Judgement

Gopinath P., J

1. The petitioner is common in all these three bail applications for regular bail.
2. B.A.No.10701 of 2023 arises out of Crime No.1144 of 2023 of Koratty Police Station, Thrissur, which has been registered alleging commission of offences under Section 377 of the Indian Penal Code and Sections 7, 8, 9(l) and 9(p) r/w Section 10 of the Protection of Children from Sexual Offences Act.
3. B.A.No.10703 of 2023 arises out of Crime No.1145 of 2023 of Koratty Police Station, Thrissur, which has been registered alleging commission of offences under Section 377 of the Indian Penal Code and Sections 7, 8 and 9(p) r/w Section 10 of the Protection of Children from Sexual Offences Act.
4. B.A.No.10706 of 2023 arises out of Crime No.1146 of 2023 of Koratty Police Station, Thrissur, which has been registered alleging commission of offences under Section under Section 377 of the Indian Penal Code and Sections 7, 8 and 9(p) r/w Section 10 of the Protection of Children from Sexual Offences Act.

5. The allegation against the petitioner in all three cases are also identical. The allegation is that the petitioner touched the victim boys inappropriately and with sexual intent, while he was giving them instructions on an art form 'Parichamutt' and thereby, he committed the offences against him.

6. The learned counsel appearing for the petitioner would submit that the petitioner is absolutely innocent in the matter. It is submitted that the petitioner had occasion to scold the alleged victim boys for bunking classes on the premise that they are coming for training under the petitioner. It is submitted that, on account of the above, a false complaint has been raised against the petitioner. It is submitted that the petitioner is aged 52 and has been giving training in the aforesaid art form for the past ten years and no such allegation has been raised against the petitioner till this day. It is submitted that the arrest of the petitioner was recorded in all the three cases registered against him on 21.10.2023 and the petitioner has, therefore, been in custody for 52 days. It is submitted that the investigation has been completed and final reports have been filed in all the cases registered against the petitioner and therefore, the continued detention of the petitioner is absolutely unnecessary.

7. The learned Public Prosecutor opposes the grant of bail. The circumstances of the case appearing against the petitioner as revealed from the statements recorded from the victims are pointed out to show that there are clear allegations which would attract the offences alleged against the petitioner. It is confirmed that the investigation has been completed and the final reports have been filed in all the three cases registered against the petitioner.

8. Having heard the learned counsel appearing for the petitioner and the learned Public Prosecutor, I am of the view that the petitioner can be granted bail subject to conditions. The allegations against the petitioner are as noticed above. The petitioner is aged 52 and for the past ten years, he has been giving training to the school students in the art form mentioned above. There have been no other allegations of similar nature against the petitioner. Investigation has been completed and final reports have been filed. Therefore, the continued detention of the petitioner is not necessary.

In the result this bail application is allowed. It is directed that the petitioner in all the three cases shall be released on bail, subject to the following conditions:-

i) The petitioner shall execute separate bonds for sums of Rs.50,000/- (Rupees fifty thousand only) each with two solvent sureties each for the like sum to the satisfaction of the jurisdictional Court in each of the cases registered against him;

(ii) The petitioner shall report before the Investigating officer in Crime Nos.1144 of 2023, 1145 of 2023 and 1146 of 2023 of Koratty Police Station, Thrissur as and when summoned to do so;

(iii) The petitioner shall not attempt to interfere with the investigation, influence or intimidate the victims or any witness in Crime Nos.1144 of 2023, 1145 of

2023 and 1146 of 2023 of Koratty Police Station, Thrissur;

(iv) The petitioner shall not enter the Koratty Police Station except for the purpose of complying with condition No.(ii) above;

(v) The petitioner shall surrender his passport before the jurisdictional Court. If the petitioner does not have a passport, he shall execute an affidavit to that effect and file the same before the jurisdictional court within seven days of release on bail.

(vi) The petitioner shall not involve in any other crime while on bail.

If any of the aforesaid conditions are violated, the Investigating officer in Crime Nos.1144 of 2023, 1145 of 2023 and 1146 of 2023 of Koratty Police Station, Thrissur shall file an application before the jurisdictional Court for cancellation of bail.