
(2023) 05 KL CK 0077

In the High Court Of Kerala

Case No : Bail Application No. 3592 Of 2023

Semaoun Ramban

APPELLANT

Vs

State Of Kerala

RESPONDENT

Date of Decision : 12-05-2023

Acts Referred:

Code of Criminal Procedure, 1973 — Section 439

Indian Penal Code, 1860 — Section 354, 354(A)(1)(ii), 354(A)(1)(iv), 509

Protection of Children from Sexual Offences Act, 2012 — Section 7, 8, 11(1), 12

Citation : (2023) 05 KL CK 0077

Hon'ble Judges : P.G. Ajithkumar, J

Bench : Single Bench

Advocate : M.Y.Varghesekutty, T.V. Neem

Final Decision : Dismissed

Judgement

P.G. Ajithkumar, J

1. This is an application for bail filed under Section 439 of the Code of Criminal Procedure, 1973.

2. The petitioner is the accused in Crime No.194 of 2023 of Oonnukal Police Station, Ernakulam. He allegedly had committed the offences punishable under Section 8 read with Sections 7, 12 read with Section 11(1) of the Protection of Children from Sexual Offences Act, 2012 and under Sections 354, 354(A)(1)(ii), 354(A)(1)(iv) and 509 of the Indian Penal Code, 1860.

3. The case of the prosecution is as follows:

The petitioner was appointed as a temporary Priest in a Church. The victim girl, aged 16 years, went to that Church on 03.04.2023 at about 1.00 p.m. for serving food to the petitioner. At that time, the petitioner sexually molested and assaulted the victim. The petitioner caught hold of her hand and requested for sexual favours.

4. Heard the learned counsel for the petitioner and the learned Public Prosecutor.
5. The petitioner would contend that he did not involve in the alleged crime and without any material or evidence, he has been implicated in the crime. He is innocent. The investigation in the matter has been progressed considerably and there is no reason or justification for his further detention.
6. The learned Public Prosecutor would submit that considering the seriousness of the offence and the possibility of interfering with the investigation by the petitioner in the event of his release on bail, this petition deserves only to be dismissed.
7. No doubt, the offence alleged against the petitioner is serious in nature. Its gravity is more, since the petitioner is a Priest. It is seen that investigation in the matter has been progressed considerably. The petitioner was arrested on 21.04.2023 and ever since he has been in custody. It is seen that he did not involve in any other similar offence. Considering the aforesaid aspects and also the nature of the offence, I am of the view that further detention of the petitioner pending investigation and trial is unnecessary. Therefore, the petitioner is entitled to be released on bail.

In the result, the bail application is allowed and the petitioner is granted bail on his executing a bond for Rs.50,000/- (Rupees fifty thousand only), with two solvent sureties for the like amount each, to the satisfaction of the Special Court, subject to the following conditions:

- (i) The petitioner shall not influence or intimidate witnesses or tamper with evidence;
- (ii) The petitioner shall appear before the investigating officer as and when called for until filing the final report;
- (iii) During the period of bail, petitioner shall not get involved in any other offence;
- (iv) The petitioner shall surrender his passport before the learned Magistrate, and if he does not have a passport, he shall file an affidavit stating that fact; and
- (v) The petitioner shall not enter the territorial limits of jurisdictional court, except to comply with the aforementioned conditions, till filing of the final report.

In case of breach of the bail conditions, the prosecution shall be at liberty to apply for cancellation of the bail before the jurisdictional court.