

B.A. Nos.2687, 2688, 2691, 2692 & 2700 of 2022

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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE DR. JUSTICE KAUSER EDAPPAGATH

TUESDAY, THE 19TH DAY OF APRIL 2022 / 29TH CHAITHRA, 1944

BAIL APPL. NO. 2687 OF 2022

CRIME NO.796/2021 OF MALAPPURAM POLICE STATION

PETITIONER/ACCUSED:

MOIDEEN P.P., AGED 57 YEARS,
PARAKKOTT PALATH HOUSE, PERINTHATTIRI POST,
KOLAPPARAMBA, KOOTILANGADI AMSOM, MALAPPURAM
DISTRICT, PIN - 676507

BY ADVS. M/S.T.P.SAJID & SHIFA LATHEEF

RESPONDENT/STATE:

STATE OF KERALA, REPRESENTED BY PUBLIC
PROSECUTOR, HIGH COURT OF KERALA, PIN - 682031.

BY SMT. SEETHA. S. (SR.PP)

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 19.04.2022, ALONG WITH B.A.NOS.2688, 2691, 2692 & 2700
OF 2022, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

B.A. Nos.2687, 2688, 2691, 2692 & 2700 of 2022

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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE DR. JUSTICE KAUSER EDAPPAGATH

TUESDAY, THE 19TH DAY OF APRIL 2022 / 29TH CHAITHRA, 1944

BAIL APPL. NO. 2688 OF 2022

CRIME NO.795/2021 OF MALAPPURAM POLICE STATION

PETITIONER/ACCUSED:

MOIDEEN P.P., AGED 57 YEARS,
S/O ABDULLA, PARAKKOTT PALATH HOUSE,
PERINTHATTIRI POST, KOLAPPARAMBA, KOOTILANGADI
AMSOM, MALAPPURAM DISTRICT, PIN - 676507

BY ADVS. M/S. T.P.SAJID & SHIFA LATHEEF

RESPONDENT/STATE:

STATE OF KERALA, REPRESENTED BY PUBLIC
PROSECUTOR, HIGH COURT OF KERALA, PIN - 682031

BY SRI.RENJITH GEORGE (SR.PP)

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 19.04.2022, ALONG WITH B.A.NOS.2687, 2691, 2692 & 2700
OF 2022, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

B.A. Nos.2687, 2688, 2691, 2692 & 2700 of 2022

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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE DR. JUSTICE KAUSER EDAPPAGATH

TUESDAY, THE 19TH DAY OF APRIL 2022 / 29TH CHAITHRA, 1944

BAIL APPL. NO. 2691 OF 2022

CRIME NO.794/2021 OF MALAPPURAM POLICE STATION

PETITIONER/ACCUSED:

MOIDEEN P.P., AGED 57 YEARS,
PARAKKOTT PALATH HOUSE, PERINTHATTIRI POST,
KOLAPPARAMBA, KOOTILANGADI AMSOM, MALAPPURAM
DISTRICT, PIN - 676507

BY ADVS. M/S. T.P.SAJID & SHIFA LATHEEF

RESPONDENT/STATE:

STATE OF KERALA, REPRESENTED BY PUBLIC
PROSECUTOR, HIGH COURT OF KERALA, PIN - 682031

BY SRI.NOUSHAD K.A. (SR.PP)

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 19.04.2022, ALONG WITH B.A.NOS.2687, 2688, 2692 & 2700
OF 2022, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

B.A. Nos.2687, 2688, 2691, 2692 & 2700 of 2022

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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE DR. JUSTICE KAUSER EDAPPAGATH

TUESDAY, THE 19TH DAY OF APRIL 2022 / 29TH CHAITHRA, 1944

BAIL APPL. NO. 2692 OF 2022

CRIME NO.797/2021 OF MALAPPURAM POLICE STATION

PETITIONER/ACCUSED:

MOIDEEN P.P., AGED 57 YEARS,
S/O ABDULLA, PARAKKOTT PALATH HOUSE,
PERINTHATTIRI POST, KOLAPPARAMBA, KOOTILANGADI
AMSOM, MALAPPURAM DISTRICT, PIN - 676507

BY ADVS. M/S. T.P.SAJID & SHIFA LATHEEF

RESPONDENT/STATE:

STATE OF KERALA, REPRESENTED BY PUBLIC
PROSECUTOR, HIGH COURT OF KERALA, PIN - 682031

BY SRI.NOUSHAD K.A. (SR.PP)

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 19.04.2022, ALONG WITH B.A.NOS.2687, 2688, 2691 & 2700
OF 2022, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

B.A. Nos.2687, 2688, 2691, 2692 & 2700 of 2022

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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE DR. JUSTICE KAUSER EDAPPAGATH

TUESDAY, THE 19TH DAY OF APRIL 2022 / 29TH CHAITHRA, 1944

BAIL APPL. NO. 2700 OF 2022

CRIME NO.799/2021 OF MALAPPURAM POLICE STATION

PETITIONER/ACCUSED:

MOIDEEN P.P., AGED 57 YEARS,
PARAKKOTT PALATH HOUSE, PERINTHATTIRI POST,
KOLAPPARAMBA, KOOTILANGADI AMSOM, MALAPPURAM
DISTRICT, PIN - 676507

BY ADVS. M/S. T.P.SAJID & SHIFA LATHEEF

RESPONDENT/STATE :

STATE OF KERALA, REPRESENTED BY PUBLIC
PROSECUTOR, HIGH COURT OF KERALA, PIN - 682031

BY SRI.RENJITH GEORGE (SR.PP)

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 19.04.2022, ALONG WITH B.A.NOS.2687, 2688, 2691 & 2692
OF 2022, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

O R D E R

[B.A. Nos.2687/2022, 2688/2022, 2691/2022, 2692/2022,
2700/2022]

These are applications filed u/s 439 of Code of Criminal Procedure seeking regular bail.

2. The petitioner in these cases is the sole accused in Crime Nos.796, 795, 794, 797 & 799 of 2021 of Malappuram Police Station. The offences alleged in Crime No.796/2021 are under Sections 10 r/w 9(l) of the POCSO Act. The offences alleged in Crime No.795/2021 are under Sections 10 r/w 9(l) (m) and 12 r/w 11(vi) of the POCSO Act. The offences alleged in Crime No.794/2021 are under Sections 12 r/w 11 (i)(vi) of the POCSO Act. The offences alleged in Crime No.797/2021 are under Sections 10 r/w 9(l) (m) of the POCSO Act. The offences alleged in Crime No.799/2021 are under Sections 10 r/w 9(l)(m) and 12 r/w 11(vi) of the POCSO Act.

3. The prosecution case in short in all the cases is that during the period from 1.9.2021, the petitioner held the penis of the minor victim boy and thus committed the offences.

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4. Heard both sides and perused the case diary.

5. The learned counsel for the petitioner submitted that the petitioner is absolutely innocent and he has been falsely implicated in the present cases. He further submitted that there are no materials to connect the petitioner with the alleged crime and hence he is entitled to get bail. The learned Public Prosecutor opposed the bail application. He contended that the alleged incident occurred as a part of the intentional criminal acts of the petitioner.

6. Perusal of the case diary would reveal that *prima facie* there are materials on record to connect the petitioner with the crime. However, the petitioner was remanded to judicial custody in all cases on 27.12.2021. In view of the nature of the crime and the stage of investigation, I do not find any reason to hold that the continued detention of the petitioner is required for any purpose. The investigation is over and the final report has already been filed. For all these reasons, the petitioner is entitled to be released on bail on conditions.

In the result, the application is allowed on the following

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conditions:-

(i) The petitioner shall be released on bail on executing a bond for Rs.1,00,000/- (Rupees One lakh only) with two solvent sureties for the like sum each to the satisfaction of the jurisdictional Magistrate/Court in each case.

(ii) The petitioner shall not commit any offence of like nature while on bail.

(iii) The petitioner shall not make any attempt to contact any of the prosecution witnesses, directly or through any other person, or any other way try to tamper with the evidence or influence any witnesses or other persons related to the investigation.

(iv) The petitioner shall not leave State of Kerala without the permission of the trial Court.

Sd/-

DR.KAUSER EDAPPAGATH

JUDGE

B.A. Nos.2687, 2688, 2691, 2692 & 2700 of 2022

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APPENDIX OF BAIL APPL. NO. 2687/2022

PETITIONER'S ANNEXURES:

- | | |
|------------|--|
| ANNEXURE 1 | A TRUE COPY OF THE ORDER DATED 27/1/2022 THUS PASSED BY THE SPECIAL COURT FOR TRIAL OF OFFENCES AGAINST CHILDREN (ADDITIONAL SESSIONS COURT I) MANJERI IN CRL.MP NO. 101/2022 |
| ANNEXURE 2 | CERTIFIED COPY OF THE ORDER DATED 23/2/2022 IN CRL. M.P. NO. 56/2022 PASSED BY THE SPECIAL COURT FOR TRIAL OF OFFENCES UNDER THE PROTECTION OF CHILDREN FROM SEXUAL OFFICES ACT, MANJERI |
| ANNEXURE 3 | TRUE COPY OF THE ORDER DATED 12/1/2022 IN CRL. M.P. NO. 25/2022 |
| ANNEXURE 4 | TRUE COPY OF THE ORDER DATED 12/1/2022 IN CRL. M.P. NO. 23/2022 |

B.A. Nos.2687, 2688, 2691, 2692 & 2700 of 2022

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APPENDIX OF BAIL APPL. 2688/2022

PETITIONER'S ANNEXURES:

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| ANNEXURE 1 | A TRUE COPY OF THE ORDER DATED 27/1/2022 THUS PASSED BY THE SPECIAL COURT FOR TRIAL OF OFFENCES AGAINST CHILDREN (ADDITIONAL SESSIONS COURT I) MANJERI |
| ANNEXURE 2 | CERTIFIED COPY OF THE ORDER DATED 23/2/2022 IN CRL. M.P. NO. 55/2022 PASSED BY THE SPECIAL COURT FOR TRIAL OF OFFENCES UNDER THE PROTECTION OF CHILDREN FROM SEXUAL OFFENCES ACT, MANJERI |
| ANNEXURE 3 | TRUE COPY OF THE ORDER DATED 12/1/2022 IN CRL. M.P. NO. 25/2022 |
| ANNEXURE 4 | TRUE COPY OF THE ORDER DATED 12/1/2022 IN CRL. M.P. NO. 23/2022 |

B.A. Nos.2687, 2688, 2691, 2692 & 2700 of 2022

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APPENDIX OF BAIL APPL. 2691/2022

PETITIONER'S ANNEXURES:

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| ANNEXURE 1 | A TRUE COPY OF THE ORDER DATED 27/1/2022 IN CRL.MP NO. 99/2022 ON THE FILES OF THE COURT FOR THE TRIAL OF OFFENCES AGAINST THE CHILDREN (ADDITIONAL SESSIONS COURT I), MANJERI |
| ANNEXURE 2 | CERTIFIED COPY OF THE ORDER DATED 23/2/2022 IN CRL. M.P. NO. 54/2022 PASSED BY THE SPECIAL COURT FOR TRIAL OF OFFENCES UNDER THE PROTECTION OF CHILDREN FROM SEXUAL OFFICES ACT, MANJERI |
| ANNEXURE 3 | TRUE COPY OF THE ORDER DATED 12/1/2022 IN CRL. M.P. NO 25/2022 |
| ANNEXURE 4 | TRUE COPY OF THE ORDER DATED 12/1/2022 IN CRL. M.P. NO 23/2022 |

B.A. Nos.2687, 2688, 2691, 2692 & 2700 of 2022

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APPENDIX OF BAIL APPL. 2692/2022

PETITIONER'S ANNEXURES:

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| ANNEXURE 1 | A TRUE COPY OF THE ORDER DATED 27/1/2022 THUS PASSED BY THE SPECIAL COURT FOR TRIAL OF OFFENCES AGAINST CHILDREN (ADDITIONAL SESSIONS COURT I) MANJERI IN CRL.MP NO. 102/2022 |
| ANNEXURE 2 | CERTIFIED COPY OF THE ORDER DATED 23/2/2022 IN CRL. M.P. NO. 57/2022 PASSED BY THE SPECIAL COURT FOR TRIAL OF OFFENCES UNDER THE PROTECTION OF CHILDREN FROM SEXUAL OFFENCES ACT, MANJERI |
| ANNEXURE 3 | TRUE COPY OF THE ORDER DATED 12/1/2022 IN CRL. M.P. NO 25/2022 |
| ANNEXURE 4 | TRUE COPY OF THE ORDER DATED 12/1/2022 IN CRL. M.P. NO 23/2022 |

B.A. Nos.2687, 2688, 2691, 2692 & 2700 of 2022

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APPENDIX OF BAIL APPL. 2700/2022

PETITIONER'S ANNEXURES:

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| ANNEXURE 1 | A TRUE COPY OF THE ORDER DATED 27/1/2022 THUS PASSED BY THE SPECIAL COURT FOR TRIAL OF OFFENCES AGAINST CHILDREN (ADDITIONAL SESSIONS COURT I) MANJERI IN CRL.MP NO. 103/2022 |
| ANNEXURE 2 | CERTIFIED COPY OF THE ORDER DATED 23/2/2022 IN CRL. M.P. NO. 58/2022 |
| ANNEXURE 3 | TRUE COPY OF THE ORDER DATED 12/1/2022 IN CRL. M.P. NO. 25/2022 |
| ANNEXURE 4 | TRUE COPY OF THE ORDER DATED 12/1/2022 IN CRL. M.P. NO. 23/2022 |