

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE GOPINATH P.

MONDAY, THE 30TH DAY OF OCTOBER 2023 / 8TH KARTHIKA, 1945

BAIL APPL. NO. 6901 OF 2023

CRIME NO.473/2023 OF POOKOTTUMPADAM POLICE STATION, MALAPPURAM

PETITIONER/ACCUSED:

NOWSHAR GHAN K
AGED 43 YEARS, S/O. KHALID, KARIMBUZHA HOUSE,
NILAMBUR RS P.O, VALLAPPUZHA, MALAPPURAM DIST.,
PIN - 676 305.

BY ADVS.

R.RANJITH (MANJERI)
NOUFAL A.(K/486/2021)

RESPONDENT/STATE:

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

THE SUB INSPECTOR OF POLICE
POOKKOTTUPADAM POLICE STATION, MALAPPURAM DISTRICT,
MALAPPURAM DISTRICT, PIN-679 332.

BY ADV. SRI. VIPIN NARAYAN (SR PP)

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
30.10.2023, ALONG WITH Bail Appl..6922/2023, 6929/2023 AND
CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE GOPINATH P.

MONDAY, THE 30TH DAY OF OCTOBER 2023 / 8TH KARTHIKA, 1945

BAIL APPL. NO. 6922 OF 2023

**CRIME NO.474/2023 OF POOKOTTUMPADAM POLICE STATION,
MALAPPURAM**

PETITIONER/ACCUSED:

NOWSHAR GHAN K
AGED 43 YEARS, S/O. KHALID,
KARIMBUZHA HOUSE, NILAMBUR RS P.O, VALLAPPUZHA,
MALAPPURAM DIST., PIN - 676 305.

BY ADVS.

R.RANJITH (MANJERI)
NOUFAL A.

RESPONDENT/STATE:

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

BY ADV.VIPIN NARAYAN (SR.PP)

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
30.10.2023, ALONG WITH Bail Appl..6901/2023 AND CONNECTED
CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE GOPINATH P.

MONDAY, THE 30TH DAY OF OCTOBER 2023 / 8TH KARTHIKA, 1945

BAIL APPL. NO. 6929 OF 2023

**CRIME NO.475/2023 OF POOKOTTUMPADAM POLICE STATION,
MALAPPURAM**

PETITIONER/ACCUSED:

NOWSHAR GHAN K
AGED 43 YEARS, S/O. KHALID,
KARIMBUZHA HOUSE, NILAMBUR RS P.O, VALLAPPUZHA,
MALAPPURAM DISTRICT., PIN - 676 305.

BY ADVS.

R.RANJITH (MANJERI)
A.P.NIDHIN KUMAR
NOUFAL A.

RESPONDENT/STATE:

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

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

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
30.10.2023, ALONG WITH Bail Appl..6901/2023 AND CONNECTED
CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE GOPINATH P.

MONDAY, THE 30TH DAY OF OCTOBER 2023 / 8TH KARTHIKA, 1945

BAIL APPL. NO. 6939 OF 2023

**CRIME NO.476/2023 OF POOKOTTUMPADAM POLICE STATION,
MALAPPURAM**

PETITIONER/ACCUSED:

NOWSHAR GHAN K
AGED 43 YEARS, S/O. KHALID,
KARIMBUZHA HOUSE, NILAMBUR RS P.O, VALLAPPUZHA,
MALAPPURAM DISTRICT., PIN - 676 305.

BY ADVS.

R.RANJITH (MANJERI)
A.P.NIDHIN KUMAR
NOUFAL A.

RESPONDENT/STATE:

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

BY ADV. SRI.NOUSHAD KA (SR.PP)

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
30.10.2023, ALONG WITH Bail Appl..6901/2023 AND CONNECTED
CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE GOPINATH P.

MONDAY, THE 30TH DAY OF OCTOBER 2023 / 8TH KARTHIKA, 1945

BAIL APPL. NO. 6945 OF 2023

CRIME NO.477/2023 OF POOKOTTUMPADAM POLICE STATION,

Malappuram

PETITIONER/ACCUSED :

NOWSHAR GHAN K
AGED 43 YEARS, S/O. KHALID,
KARIMBUZHA HOUSE, NILAMBUR RS P.O, VALLAPPUZHA,
MALAPPURAM DISTRICT., PIN - 676 305.

BY ADVS.

R.RANJITH (MANJERI)
NOUFAL A.
P.MUHAMMED SHIYAS

RESPONDENT/ACCUSED:

STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, PIN - 682 031.

BY ADV. G.SUDHEER (PP)

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
30.10.2023, ALONG WITH Bail Appl..6901/2023 AND CONNECTED
CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE GOPINATH P.

MONDAY, THE 30TH DAY OF OCTOBER 2023 / 8TH KARTHIKA, 1945

BAIL APPL. NO. 6949 OF 2023

CRIME NO.481/2023 OF POOKOTTUMPADAM POLICE STATION,

Malappuram

PETITIONER/ACCUSED:

NOWSHAR GHAN K
AGED 43 YEARS, S/O. KHALID,
KARIMBUZHA HOUSE, NILAMBUR RS P.O, VALLAPPUZHA,
MALAPPURAM DISTRICT., PIN - 676 305.

BY ADVS.

R.RANJITH (MANJERI)
NOUFAL A.

RESPONDENT/STATE:

STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, PIN - 682 031.

BY. ADV. SRI.NOUSHAD KA (SR.PP)

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
30.10.2023, ALONG WITH Bail Appl..6901/2023 AND CONNECTED
CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE GOPINATH P.

MONDAY, THE 30TH DAY OF OCTOBER 2023 / 8TH KARTHIKA, 1945

BAIL APPL. NO. 6953 OF 2023

CRIME NO.478/2023 OF POOKOTTUMPADAM POLICE STATION,

Malappuram

PETITIONER/ACCUSED:

NOWSHAR GHAN K
AGED 43 YEARS, S/O. KHALID,
KARIMBUZHA HOUSE, AGED 43 YEARS, NILAMBUR RS P.O,
VALLAPPUZHA, MALAPPURAM DISTRICT., PIN - 676 305.

BY ADVS.

A.P.NIDHIN KUMAR
R.RANJITH (MANJERI)
NOUFAL A.
P.MUHAMMED SHIYAS

RESPONDENT/STATE:

STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, PIN - 682 031.

BY ADV. VIPIN NARAYAN (SR.PP)

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
30.10.2023, ALONG WITH Bail Appl..6901/2023 AND CONNECTED
CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE GOPINATH P.

MONDAY, THE 30TH DAY OF OCTOBER 2023 / 8TH KARTHIKA, 1945

BAIL APPL. NO. 6957 OF 2023

CRIME NO.480/2023 OF POOKOTTUMPADAM POLICE STATION,

Malappuram

PETITIONER/ACCUSED:

NOWSHAR GHAN K
AGED 43 YEARS, S/O. KHALID,
KARIMBUZHA HOUSE, NILAMBUR RS P.O, VALLAPPUZHA,
MALAPPURAM DISTRICT, PIN - 676 305.

BY ADVS.

R.RANJITH (MANJERI)
NOUFAL A.
A.P.NIDHIN KUMAR

RESPONDENT/STATE:

STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, PIN - 682 031.

BY ADV. NOUSHAD KA (SR.PP)

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
30.10.2023, ALONG WITH Bail Appl..6901/2023 AND CONNECTED
CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE GOPINATH P.

MONDAY, THE 30TH DAY OF OCTOBER 2023 / 8TH KARTHIKA, 1945

BAIL APPL. NO. 6958 OF 2023

CRIME NO.479/2023 OF POOKOTTUMPADAM POLICE STATION,

Malappuram

PETITIONER/ACCUSED:

NOWSHAR GHAN K
AGED 43 YEARS, S/O. KHALID,
KARIMBUZHA HOUSE, NILAMBUR RS P.O, VALLAPPUZHA,
MALAPPURAM DISTRICT., PIN - 676 305.

BY ADVS.

A.P.NIDHIN KUMAR
NOUFAL A.
R.RANJITH (MANJERI)
P.MUHAMMED SHIYAS

RESPONDENT/STATE:

STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, PIN - 682 031.

BY ADV. SRI.NOUSHAD KA (SR.PP)

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
30.10.2023, ALONG WITH Bail Appl..6901/2023 AND CONNECTED
CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

**Bail Appl. Nos. 6901, 6922, 6929, 6939, 6945, 6949, 6953, 6957
and 6958 of 2023**

ORDER

These are applications for anticipatory bail.

2. Petitioner in these cases is common. He is accused in Crime Nos.473/2023, 474/2023, 475/2023, 476/2023, 477/2023, 481/2023, 478/2023, 480/2023 and 479/2023 all of Pookottumpadam Police Station, Malappuram District, alleging commission of offences under Section 354 A(1)(i)(iii) r/w 354A(2) of the Indian Penal Code and Sections 10 r/w 9(f)(l)(m), 11(iii) r/w 12 of the Protection of Children from Sexual Offences Act (POCSO Act).

3. The allegations which led to registration of all the aforesaid crimes against the petitioner are almost identical. The petitioner, who is working as an Arabic Teacher in the Govt.U.P.School, Pulliyil, Nilambur Taluk, Malappuram district, is alleged to have sexually abused several girls students of the School by touching them inappropriately and making some

sexually coloured comments to them.

4. Learned counsel appearing for the petitioner would submit that the petitioner is a visually handicapped person with visual disability of 60%. It is submitted that after the petitioner met with an accident, the disability is now practically 90% and he is not in a position to identify any person other than by sound. It is submitted that the petitioner has been a teacher for nearly 15 years and he has been working in the same school for more than ten years. It is submitted that no allegation of the nature now leveled against the petitioner has ever been raised against the petitioner before. It is submitted that since the petitioner is practically blind, while moving around in the class and in the School, the petitioner may have inadvertently touched students and this cannot be termed as a sexual abuse by the petitioner. It is submitted that a teacher of the School had raised a complaint against the headmaster and the petitioner had supported the said teacher. It is submitted that it is thereafter that several complaints were received against the petitioner prompting the petitioner to believe that the allegations are raised only on account of the fact that he had lent support to a teacher in respect of a complaint made by her against the headmaster. It is submitted that since the petitioner has already been placed

under suspension, there cannot be any apprehension that the petitioner will influence or intimidate the victims in any manner.

5. Learned Senior Public Prosecutor has taken me through the First Information Statements of the victims in each of these cases. It is submitted that while the allegations are almost similar in some of the cases, there are specific allegations in some of the crimes registered which would indicate that the sexual abuse had taken place inside the classroom and such incidents cannot be termed as touching students inadvertently owing to the disability of the petitioner. It is submitted that considering the nature of the allegations against the petitioner and also considering the fact that several complaints have been raised against the petitioner by several students, the petitioner may not be granted bail. It is also pointed that according to the victims, the petitioner has sufficient eye sight and his eye sight is not affected to the extent now claimed.

6. Having heard the learned counsel for the petitioner in all these cases and the learned Senior Public Prosecutor, I am of the view that the petitioner can be granted bail. While the allegations against the petitioner are serious, the fact that the petitioner is suffering from a visual handicap to the extent of 60% as certified by the medical board and stated to be almost 90%

following an accident compels me to hold that there is possibly some truth in the statement made by the learned counsel for the petitioner that some incidents of the petitioner inadvertently touching students on account of his handicap may have been turned into incidents of sexual abuse. Further, the nature of the allegations raised against the petitioner also compels me to hold that his custodial interrogation may not be necessary for the purposes of completing investigation into the cases registered against him. I also note that the petitioner has been working in the same School for nearly ten years and no similar allegation has been raised against him before. Therefore, the petitioner can be granted bail with sufficient conditions, to ensure that he co-operates with the investigation into all the cases registered against him in every manner and also ensuring that he is not in a position to influence or intimidate any of the victims in these cases in any manner.

7. In the result, these applications are allowed. It is directed that the petitioner shall be released on bail, in the event of arrest in Crime Nos.473/2023, 474/2023, 475/2023, 476/2023, 477/2023, 481/2023, 478/2023, 480/2023 and 479/2023 of Pookottumpadam Police Station, Malappuram District subject to the following conditions:-

(i) Petitioner shall execute separate bonds in respect of each of the cases registered against him 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 arresting officer;

(ii) Petitioner shall appear before the investigating officer in Crime Nos.473/2023, 474/2023, 475/2023, 476/2023, 477/2023, 481/2023, 478/2023, 480/2023 and 479/2023 of Pookottumpadam Police Station, Malappuram District between 11.00 AM and 5.00 PM on 08-11-2023, 09-11-2023 and on 10-11-2023 and thereafter whenever called upon to do so;

(iii) Petitioner shall not attempt to contact the victims or interfere with the investigation or to influence or intimidate any witness in Crime Nos.473/2023, 474/2023, 475/2023, 476/2023, 477/2023, 481/2023, 478/2023, 480/2023 and 479/2023 of Pookottumpadam Police Station, Malappuram District;

(iv) The petitioner shall not enter the local limits of Pookottumpadam Police Station, Malappuram District except for the purpose of complying with any condition imposed in this order, until further orders;

(v) Since the petitioner is already under suspension, it is directed that the petitioner shall be permitted to rejoin duty (if reinstated) only after obtaining further orders from this Court;

(vi) 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.473/2023, 474/2023, 475/2023, 476/2023, 477/2023, 481/2023, 478/2023, 480/2023 and 479/2023 of Pookottumpadam Police Station, Malappuram District, may file an application before the jurisdictional Court for cancellation of bail.

**Sd/-
GOPINATH P.
JUDGE**

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