
(2022) 06 KL CK 0258

High Court Of Kerala

Case No: Bail Application No. 4582 Of 2022

Abhijith A

APPELLANT

Vs

State Of Kerala

RESPONDENT

Date of Decision: June 22, 2022

Acts Referred:

Code of Criminal Procedure, 1973 " Section 439#Indian Penal Code, 1860 " Section 34, 294B, 323, 363, 376(2)(n), 451, 506#Protection of Children from Sexual Offences (POCSO) Act, 2012 " Section 3(a), 4#Information Technology Act, 2000 " Section 3(a), 4, 66E, 67B(a)(e)

Citation: (2022) 06 KL CK 0258

Hon'ble Judges: Bechu Kurian Thomas, J

Bench: Single Bench

Advocate: K.Sudhinkumar, P.Mohandas, S.Nithin, Noushad K.A

Final Decision: Allowed

Judgement

Bechu Kurian Thomas, J

1. This is an application seeking regular bail filed under Section 439 of the Code of Criminal Procedure, 1973.
2. Petitioner is the accused in Crime No.713/2022 of Anchal Police Station, Kollam District for offences under Sections 363, 376(2)(n) of the Indian Penal Code, 1860 and Section 4 r/w Section 3(a), 66E, 67B(a)(e) of the Information Technology Act, 2000.
3. Prosecution allegation is that on 01.12.2017, the accused kidnapped the de facto complainant and took her to his house and had forcibly committed

sexual assault and thereafter feigning to be in love with her, continued to indulge in a sexual relationship and thereby committed the offences alleged.

4. Sri.K.Sudhinkumar, the learned counsel for the petitioner submitted that petitioner is totally innocent and that he had even given the notice of

intended marriage with the de facto complainant. The marriage was supposed to have taken place on any day after 06.06.2022. However, on

05.06.2022, petitioner was arrested and therefore he could not perform the marriage.

5. Sri.Noushad K.A., the learned Public Prosecutor opposed the grant of bail and submitted that the petitioner has committed serious offences.

Though notice of this bail application to the victim was served through the SHO, Anchal Police Station none appears for the victim. The learned Public

Prosecutor further pointed out that the petitioner has criminal antecedents in respect of an offence before the Kadakkal Police Station pending as

Crime No.1595/2021 for the offences punishable under Section 451, 323, 294B, 506 r/w 34 of IPC.

6. A perusal of the case diary reveals that prima facie there are materials on record to connect the petitioner with the crime. However, since

petitioner was remanded to judicial custody on 06.06.2022, I am of the view that the continued detention of the petitioner is not required in the

circumstances of the case. Therefore, the petitioner is entitled to be released on bail.

7. In the result, this application is allowed on the following conditions:-

(i) Petitioner shall be released on bail on his executing a bond for Rs.50,000/- (Rupees fifty thousand only) with two solvent sureties each for the like sum to the

satisfaction of the court having jurisdiction.

(ii) Petitioner shall appear before the Investigating Officer as and when required;

(iii) Petitioner shall not intimidate or attempt to influence the witnesses; nor shall he tamper with the evidence or contact the victim or her family members.

(iv) Petitioner shall not commit any offence while he is on bail.

(v) Petitioner shall not leave India without the permission of the Court having jurisdiction.

(vi) In case of violation of any of the above conditions, the jurisdictional Court shall be empowered to consider the application for cancellation, if any, and pass

appropriate orders in accordance with the law, notwithstanding the bail having been granted by this Court.