
Syam Sasi Vs State Of Kerala

Bail Application No. 5660 Of 2022

Court: High Court Of Kerala

Date of Decision: Aug. 12, 2022

Acts Referred:

Code of Criminal Procedure, 1973 " Section 439#Indian Penal Code, 1860 " Section 376(1)#Protection of Children from Sexual Offences Act, 2012 " Section 3(a), 4

Hon'ble Judges: Bechu Kurian Thomas, J

Bench: Single Bench

Advocate: D.Kishore, Meera Gopinath, R.Muraleekrishnan, 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.504/2022 of Enathu Police Station, Pathanamthitta alleging offence under Section 376(1) of the Indian Penal

Code, 1860 and Section 3(a) and 4 of the Protection of Children from Sexual Offences Act, 2012.

3. According to the prosecution, on 15.12.2021, the accused lured the victim to accompany him to his house and thereafter committed penetrative

sexual assault.

4. Sri.D.Kishore, the learned counsel for the petitioner contended that the entire prosecution case is false and the incident, as alleged had not

occurred. Even otherwise, it was pointed out that the petitioner has been in detention from 02.07.2022 and considering the nature of allegations and the

statement given by the victim, the continued detention may not be permitted.

5. Sri.Noushad K.A., the learned Public Prosecutor opposed the grant of bail and contended that the investigation has already been completed and the

allegations against the petitioner are serious in nature considering the age of the victim.

6. I have perused the statement of the victim and the connected records. Though the victim is a minor, since the investigation has already been

completed and considering the period of detention undergone by the petitioner and the statement given by the victim, I am of the view that petitioner

can be set at liberty on conditions. Accordingly, I allow this application on the following conditions :-

(a) Petitioner shall be released on bail on him 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.

(b) Petitioner shall co-operate with the trial of the case.

(c) Petitioner shall not intimidate or attempt to influence the witnesses; nor shall he attempt to tamper with the evidence.

(d) Petitioner shall not commit any similar offences while he is on bail.

(e) Petitioner shall not leave the country without the permission of the jurisdictional Court.

In ~~the~~ 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.