

Yathu Krishnan@Yathu Vs State Of Kerala

Court: High Court Of Kerala

Date of Decision: Nov. 4, 2022

Acts Referred: Code of Criminal Procedure, 1973 â€” Section 439
Indian Penal Code, 1860 â€” Section 354A(1)(i), 366, 376, 506
Protection of Children from Sexual Offences Act, 2012 â€” Section 3(a), 4(1)

Hon'ble Judges: Bechu Kurian Thomas, J

Bench: Single Bench

Advocate: Latheesh Sebastian, M.K Pushpalatha

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 sole accused in Crime 717/2022 of Adimaly Police Station, Idukki. The offences alleged against the petitioner are under Sections

366,354A(1)(i), 376 and 506 of the Indian Penal Code, 1860 r/w Section 4(1) r/w Section 3(a) of the Protection of Children from Sexual Offences

Act, 2012

3. According to the prosecution, accused committed rape on the minor victim in April 2022 and thereby committed the offences alleged against him.

4. Sri.Latheesh Sebastian, learned Counsel for the petitioner contended that the entire prosecution allegations are false and that the petitioner and the

victim were in a relationship and that the allegations are levelled at the behest of the family members, who are objecting to their relationship. It was

also submitted that, petitioner having been arrested on 02.07.2022, the continued detention is not essential since the final report has already been filed.

5. Smt.M.K.Pushpalatha, learned Public Prosecutor on the other hand opposed the grant of bail and contended that even though the final report was

filed on 31.08.2022, if the petitioner is released on bail, there is every possibility of him, intimidating and influencing the witnesses.

6. Considering the period of detention already undergone and also the young age of the petitioner, I am of the view that, though the allegations are

serious in nature, the continued detention is not essential. 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 enter into the jurisdictional limits of Adimaly Police Station till the conclusion of trial.

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

(e) Petitioner shall not attempt to contact with the victim or attempt to influence/intimidate her in any manner, whatsoever.

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

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

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.