
(2022) 12 KL CK 0128

High Court Of Kerala

Case No: Bail Application No. 8761 OF 2022

Sahad

APPELLANT

Vs

State Of Kerala

RESPONDENT

Date of Decision: Dec. 12, 2022

Acts Referred:

- Code of Criminal Procedure, 1973 - Section 439
- Indian Penal Code, 1860 - Section 376

Hon'ble Judges: Bechu Kurian Thomas, J

Bench: Single Bench

Advocate: Saijo Hassan, 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 accused in Crime No.376 of 2022 of Kaipamangalam Police Station, Thrissur, alleging offences punishable under Section 376 of the

Indian Penal Code, 1860.

3. According to the prosecution, on 16.10.2022, the accused with the promise to marry the victim committed penetrative sexual assault and thereby

committed the offences alleged.

4. Sri.Saijo Hassan, the learned counsel for the petitioner contended that the entire prosecution allegations are false and that the incident as alleged

had not occurred. It was further submitted that the petitioner was arrested on 23.10.2022 and that the continued detention is not essential for the purpose of investigation.

5. Smt.M.K.Pushpalatha, the learned Public Prosecutor opposed the grant of bail and contended that the allegations are serious and that if the petitioner is released on bail, it would cause prejudice to the prosecution.

6. I have considered the rival contentions. Considering the young age of the petitioner and the nature of the incident alleged, I am of the view that further detention is not essential .

7. 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 appear before the Investigating Officer as and when required.

(c) 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.

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

(e) 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.