

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE BECHU KURIAN THOMAS

THURSDAY, THE 22ND DAY OF DECEMBER 2022 / 1ST POUSHA, 1944

BAIL APPL. NO. 10143 OF 2022

CRIME NO.1291/2022 OF CENTRAL POLICE STATION, ERNAKULAM

PETITIONER/ACCUSED:

KALIDAS R
AGED 21 YEARS
S/O RANJAN, CHIRAPARAMBIL HOUSE,
KARoor, PURAKKAD P.O AMBALAPUZHA TALUK
ALAPPUZHA DISTRICT, PIN - 688561

BY ADVS.
P.K.VARGHESE
M.T.SAMEER
P.S.ANISHAD
K.R.ARUN KRISHNAN
DHANESH V.MADHAVAN
JERRY MATHEW
REGHU SREEDHARAN
RAMEEZ M. AZEEZ
NAMITHA K.S.
SUDARSANAN U.

RESPONDENT/COMPLAINANT:

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

BY ADV
SMT.M.K PUSHPALATHA
PUBLIC PROSECUTOR

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
22.12.2022, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

BECHU KURIAN THOMAS, J.

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B.A.No.10143 of 2022

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Dated this the 22nd day of December, 2022

ORDER

This is an application for regular bail filed under Section 439 of the Code of Criminal Procedure, 1973.

2. Petitioner is the sole accused in Crime No.1291/2022 of Central Police Station, Ernakulam alleging offences punishable under Sections 376(2)(n) and 384 of the Indian Penal Code 1860 apart from Section 66E of the Information Technology Act, 2000 and Section 3 r/w Section 4 of the Protection of Children from Sexual Offences Act, 2012.

3. According to the prosecution, the accused after becoming acquainted with the victim aged 17 years, promised to marry her and thereafter on 21.05.2022, raped her, in her own flat and continued to indulge in a physical relationship till 07.08.2022, and also collected Rs.2,00,000/- apart from gold ornaments from the victim by threatening to publishing her nude videos and thereby committed the offences alleged against him.

4. P.K.Varghese, the learned counsel for the petitioner contended that the entire prosecution allegations are false and that petitioner is innocent of the crime. It was also alleged that petitioner and the victim where allegedly in a romantic relationship, and that considering the young age of the petitioner as well as the age of the victim, further detention of the petitioner ought not be permitted. The

learned counsel also pointed out that, petitioner was arrested on 22.10.2022, he has been in custody since then.

5. Smt.M.K.Pushpalatha, the learned Public Prosecutor, opposed the grant of bail and contended that the allegations are serious. The petitioner and the victim is alleged to have indulged in physical relationship more than thirty times, and therefore, seriousness of the crime ought to be taken into record considering the minority of the victim.

6. I have considered the rival contentions and have also perused the statement of the victim.

7. Having regard to the nature of allegations, I am of the view that, even though the same are serious, considering the young age of the petitioner further detention would not serve any purpose since he has been in custody from 22.10.2022.

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 enter into the jurisdictional limits of Central Police Station, Ernakulam, until conclusion of trial, except for the purpose of trial of the case.
- f) 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.

BECHU KURIAN THOMAS
JUDGE

jka/22.12.22