

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE BECHU KURIAN THOMAS

FRIDAY, THE 2ND DAY OF SEPTEMBER 2022 / 11TH BHADRA, 1944

BAIL APPL. NO. 6335 OF 2022

CRIME NO.704/2022 OF Pallikkathode Police Station, Kottayam
AGAINST THE ORDER/JUDGMENTCRMP 1679/2022 OF DISTRICT COURT &
SESSIONS COURT, KOTTAYAM

PETITIONER/S:

RAJESH B
AGED 24 YEARS
CHORAVELIL HOUSE, LMS ESTATE LAYAM, GLENMARY P.O,
ELAPPARA VILLAGE, PEERMADE TALUK, IDUKKI DISTRICT, PIN
- 685531
BY ADV SIJO PATHAPARAMBIL JOSEPH

RESPONDENT/S:

- 1 STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
PIN - 682031
- 2 XXXXXXXXXXXX
XXXXXXXXXXXX XXXXXXXXXXXX
BY ADV PUBLIC PROSECUTOR

SMT.M.K.PUSHPALATHA

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
02.09.2022, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

BECHU KURIAN THOMAS, J.

B.A.NO. 6335 of 2022

Dated this the 2nd day of September, 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. 704 of 2022 of Pallickathode Police Station, Kottayam District, alleging offences under Sections 363, 366, 376(1), 376(2)(n) of the Indian Penal Code, 1860 along with sections 3(a), 4, 5(k), 5, 6 of the Protection of Children from Sexual Offences Act, 2012 apart from Section 66E of the Information Technology Act, 2000 and Sections 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

3. According to the prosecution, petitioner had compelled the victim to visit his house on three occasions between 31-12-2021 and 31-03-2022 and forced her to indulge in sexual intercourse and send nude photos of the victim to her brother through phone and thereby committed the offences alleged. Though notice was served on the victim through the S.H.O of Pallickathode Police Station, there is no appearance on her behalf, but it was informed through the Public

Prosecutor that the victim is unable to come to Court to oppose the bail application.

4. Sri. Sijo Pathaparambil Joseph, the learned counsel for the petitioner contended that the allegations against the petitioner are totally false and that incident as alleged had not occurred. It was further pointed out that the petitioner was arrested on 07-06-2022 and considering the young age of the petitioner, the continued detention may not be permitted.

5. Smt.M.K.Pushpalatha, the learned Public Prosecutor opposed the grant of bail and contended that the petitioner has committed a serious crime and that the victim was only 16 years at the time of occurrence and therefore bail ought not to be granted.

6. Having considered the circumstances of the case and the contentions advanced, I am of the view that further detention of the petitioner is not required.

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 or contact the victim.

(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.

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**

AJM/2/9/22