

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE BECHU KURIAN THOMAS

THURSDAY, THE 13TH DAY OF OCTOBER 2022 / 21ST ASWINA, 1944

BAIL APPL. NO. 7699 OF 2022

CRIME NO.1205/2022 OF Thrikkodithanam Police Station, Kottayam

PETITIONER/S:

JINSON ANTONY VARGHESE

AGED 22 YEARS

S/O VARGHESE, MUNJANATTU KUNNIPARAMBIL HOUSE, MUKKATTUPADI
BHAGOM, THRIKODITHANAM P.O., THRIKODITHANAM VILLAGE,
CHANGANACHERRY TALUK, KOTTAYAM DISTRICT, PIN - 686105

BY ADVS.

K.SHAJ

C.IJLAL

ARUN CHAND

VINAYAK G MENON

BHARAT VIJAY P.

MAJID MUHAMMED K.

MINU VITTORRIA PAULSON

RESPONDENT/S:

- 1 STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA, PIN
- 682031
- 2 THE STATION HOUSE OFFICER
REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA, PIN
- 682031
BY ADV PUBLIC PROSECUTOR SMT.M.K.PUSHPALATHA

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 13.10.2022,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

BECHU KURIAN THOMAS, J.

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B.A.No.7699 of 2022

Dated this the 13th day of October, 2022

ORDER

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.1205/2022 of Thrikodithanam Police Station, Kottayam District. The offences alleged against the petitioner are under sections 376(2)(n) of the Indian Penal Code. 1860 and Section 3 r/w Section 4 and Section 7 r/w Section 8 of the Protection of Children from sexual Offences, Act, 2012 apart from Section 67 of the Information Technology Act, 2000.

3. According to the prosecution, the accused committed aggravated penetrative sexual assault on the 17 year old victim, repeatedly from August 2021 till May 2022 and thereby committed the offences alleged.

4. Sri.K.Shaj, learned Counsel for the petitioner contended that the entire prosecution allegations are false and the incident as alleged had never occurred. It was further submitted that petitioner was arrested on 13.07.2022 and has been in custody since then.

5. Smt.M.K.Pushpalatha , learned Public Prosecutor opposed the grant of bail and contended that the allegations against the petitioner are serious in nature and that if he is released on bail, there is every chance

that he may influence the witnesses. It was also submitted that final report has already been filed.

6. I have considered the rival contentions.

7. Petitioner claims to be a young boy of 22 years, though the same is disputed by the learned Public Prosecutor, who submitted that petitioner is 25 years in age. Considering the contention of the petitioner that the accused was in a relationship with the defacto complainant and also having regard to the period of detention already undergone and the filing of final report, I am of the view that the continued detention is not essential and the petitioner can be released on bail under strict conditions.

In the result, this application is allowed on the following conditions:-

- (a) Petitioner shall be released on bail on him executing 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 Thrikodithanam 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 commit any similar offences while he is on bail.

(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**

jm/