

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE BECHU KURIAN THOMAS

MONDAY, THE 17<sup>TH</sup> DAY OF OCTOBER 2022 / 25TH ASWINA, 1944

BAIL APPL. NO. 7583 OF 2022

Crime No.508 of 2022 of Aluva West Police Station, Ernakulam

**PETITIONER:**

INDRAJITH  
AGED 35 YEARS,  
S/O AYYAPPAN,  
THEKKINEZHATH HOUSE, PANAD, KARUMALLOOR VILLAGE, PIN -  
683511  
BY ADVS.  
M.K.FAISAL  
M.A.ANZAR

**RESPONDENT:**

STATION HOUSE OFFICER, ALUVA WEST POLICE STATION  
REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA,  
PIN - 682031  
BY ADV PUBLIC PROSECUTOR

**OTHER PRESENT:**

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PP SRI.SANGEETHARAJ

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON  
17.10.2022, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

**BECHU KURIAN THOMAS, J.**

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**B.A.NO. 7583 of 2022**  
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**Dated this the 17<sup>th</sup> day of October, 2022**

**ORDER**

This is an application for pre-arrest bail filed under Section 438 of the Code of Criminal Procedure, 1973.

2. Petitioner is the 1<sup>st</sup> accused in Crime No.508 of 2022 of Aluva West Police Station, Ernakulam District, alleging offences under Sections 354A, 341, 376(i), 506((i), and 420 r/w Section 34 of the Indian Penal Code, 1860 apart from Section 66(E) of the Information Technology Act, 2000.

3. The Prosecution case is that the accused committed rape on the victim in July 2022 at the instigation of the 2<sup>nd</sup> accused when the victim had gone to the Panchayat office to enquire about a grant for a housing scheme under the Life Mission Project and after luring her into the house. The 1<sup>st</sup> accused again committed rape on the victim on 09-07-2022 and after the 2<sup>nd</sup> accused invited her again to the house also collected an amount of Rs.1,70,000/- for a house under the Life Mission Project.

4. Sri.Faisal, the learned counsel for the petitioner contended that the prosecution allegations are false and that incident as alleged had not occurred. It was also submitted that even going by the prosecution allegations the relationship, if any, between the petitioner and the victim could only be treated as a consensual one and would not fall under the offence of rape. It was also submitted that the petitioner is willing to abide by any conditions that may be imposed upon him.

5. Smt.Sangeetha Raj, the learned Public Prosecutor opposed the grant of bail and contended that the allegations are serious requiring custodial interrogation. It was further submitted that the victim is a married lady with two children and that the allegations reveal a heinous crime.

6. I have considered the rival contentions. Even though petitioner has produced three photographs of him standing beside the victim, in a bid to prove the cordiality of their relationship, that is a matter will have to be enquired into. In the bill produced as Annexure-5, there is an overwriting as far as the date is concerned and therefore the same cannot be relied upon at this stage. However, considering the contention

of the petitioner that there was a continued friendly relationship between the petitioner and the victim which is being exploited by the victim, I am of the view that those are all matters which can be probed into only through custodial interrogation. On an appreciation of the arguments of the learned counsel, I am of the view that in view of the gravity of the offences alleged, this is not a fit case to grant anticipatory bail to the petitioner.

7. However, if the petitioner surrenders before the Investigating Officer within 10 days from today, he shall be subjected to interrogation and thereafter, in the event of his arrest, he shall be produced before the jurisdictional Magistrate, who shall consider the bail application if any, filed by the petitioner, without further delay.

Accordingly, this bail application is dismissed with the above observations.

**BECHU KURIAN THOMAS  
JUDGE**

AJM  
18/10/2022