

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE BECHU KURIAN THOMAS

FRIDAY, THE 23RD DAY OF DECEMBER 2022 / 2ND POUSHA, 1944

BAIL APPL. NO. 9394 OF 2022

Crime No.1185 of 2022 of Kodungalloor Police Station, Thrissur
AGAINST THE ORDER/JUDGMENTBail Appl. 8767/2022 OF HIGH COURT OF
KERALA

PETITIONER/accused No.1:

SREEJITH
AGED 29 YEARS
S/O. KUMARAN,
AALINGAPOKKAM HOUSE,
KIZHAKKEPRAM DESOM,
KOTTUVALLY VILLAGE, ERNAKULAM, PIN - 683519
BY ADVS.
C.P.UDAYABHANU
NAVANEETH.N.NATH

RESPONDENTS:

- 1 STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR,HIGH COURT OF KERALA,
PIN - 682031
- 2 SUB INSPECTOR OF POLICE
KODUNGALLOOR POLICE STATION,
THRISSUR, PIN - 680669
BY ADV PUBLIC PROSECUTOR

OTHER PRESENT:

PP -SRI.NOUSHAD K.A

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
23.12.2022, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

BECHU KURIAN THOMAS, J.

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B.A. No. 9394 of 2022

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Dated this the 23rd day of December, 2022

ORDER

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

2. Petitioner is the accused No.1 in Crime No.1185 of 2022 of Kodungalloor Police Station, Thrissur District. The offences alleged against the petitioner are punishable under Sections 376(2)(a)(i)(n), 354D of the Indian Penal Code, 1860 apart from Section 67 of the Information Technology Act, 2000.

3. According to the prosecution, the accused who is a police constable committed rape on the victim on several occasions after stalking her and also took video graphs and photographs of her and send the same to the 2nd accused, who thereafter circulated it to the relatives of the victim and thereby the accused committed the offences alleged.

4. Sri. C.P.Udayabhanu, the learned counsel for the petitioner contended that prosecution case is false and that the incident as alleged had not occurred. It was also pointed out that even if the prosecution allegations are assumed to be true, the same will reveal only a consensual relationship. In any event, the learned counsel pointed out

that the petitioner was arrested on 26-10-2022 and has been in custody since then.

5. Sri.Noushad K.A., the learned Public Prosecutor opposed the grant of bail and contended that the allegations are serious and the petitioner being a police constable, he has indulged in a serious offence, that too, despite knowing that the victim is a married lady. It was also pointed out that the accused had send obscene videos of the victim to the 2nd accused, who thereafter send them to the relatives of the victim and therefore petitioner ought not to be released on bail.

6. I have considered the rival contentions.

7. The allegations against the petitioner are serious in nature. However, having regard to the period of detention already undergone, I am of the view that, taking note of the circumstances in the case and also the acquaintance which the petitioner and the victim had between each other, further detention of the petitioner is not necessary.

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

(a) (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 into the jurisdictional limits of the Alappuzha Police Station and shall not contact either by telephone or by any other mode of communication.

(d) 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.

(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

AJM/23/12/22