

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE BECHU KURIAN THOMAS

WEDNESDAY, THE 19<sup>TH</sup> DAY OF OCTOBER 2022 / 27TH ASWINA, 1944

BAIL APPL. NO. 8020 OF 2022

CRIME NO.485/2022 OF PUTHENVELIKKARA POLICE STATION, ERNAKULAM

PETITIONER/ ACCUSED :

CHARLES BABY,  
AGED 23 YEARS,  
S/O. BABY K. DAVID,  
KALLUTTUZH HOUSE, NADUTHALA,  
VADAKKANCHERRY,  
THRISSUR, PIN - 680 582

BY ADV M.SHYJU

RESPONDENTS/ STATE & COMPLAINANT :

1 STATE OF KERALA,  
REPRESENTED BY PUBLIC PROSECUTOR,  
HIGH COURT OF KERALA, ERNAKULAM,  
PIN - 682 031

2 STATION HOUSE OFFICER,  
PUTHENVELIKKARA POLICE STATION,  
ERNAKULAM DISTRICT, PIN - 683 594

BY SRI.NOUSHAD K.A., PUBLIC PROSECUTOR

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON  
19.10.2022, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

**BECHU KURIAN THOMAS, J.**

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**B.A. No.8020 of 2022**  
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Dated this the 19<sup>th</sup> 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.485/2022 of Puthenvelikkara Police Station, Ernakulam, alleging offences punishable under Sections 376, 354A(1)(i) of the Indian Penal Code, 1860 apart from Section 4 r/w Section 3(a), Section 10 r/w Section 9(l), Section 8 r/w Sections 7 and Section 15 of the Protection of Children from Sexual Offences Act, 2012 apart from Section 67B of the Information Technology Act, 2000.

3. According to the prosecution, during the period from July 2022 till 15.09.2022, the accused trespassed into the house of the victim girl, aged 17 years and committed sexual assault by forcing her to perform oral sex and also pressed her private parts. Petitioner is also alleged to have compelled the victim to send her nude photographs to him and thereby committed the offences alleged against him.

4. Sri.M.Shyju, the learned counsel for the petitioner contended that the entire prosecution allegations are false and the incident as alleged had not occurred. It was also submitted that the petitioner was

arrested on 16.09.2022 and that the continued detention is not essential.

5. Sri.Noushad K.A., the learned Public Prosecutor opposed the grant of bail and contended that the allegations are serious in nature and that the investigation is only in the initial stage and therefore releasing the petitioner on bail would cause prejudice to the investigation.

6. I have perused the statement of the victim and have also gone through the records. Though the allegations against the petitioner are serious in nature, considering the young age of the petitioner and the period of detention already undergone, coupled with the nature of allegations, I am of the view that the continued detention of the petitioner is not essential.

7. In the result, this application is allowed 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 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**

RKM