

Jyothin Aged 19 Years vs State Of Kerala

Author: Babu Mathew P. Joseph

Bench: Babu Mathew P. Joseph

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE BABU MATHEW P. JOSEPH

WEDNESDAY, THE 9TH DAY OF SEPTEMBER 2015/18TH BHADRA, 1937

Bail Appl..No. 1605 of 2015 ()

AGAINST THE ORDER/JUDGMENT IN Bail Appl. 9177/2014 of HIGH COURT OF KERALA
DATED

AGAINST THE ORDER IN CRMP 4153/2014 of D.C.& SESSIONS
COURT, PATHANAMTHITTA DATED
CRIME NO. 1135/2014 OF KODUMON POLICE STATION , PATHANAMTHITTA

PETITIONER(S)/ACCUSED NO.3:

JYOTHIN AGED 19 YEARS
THOMAS, JITHIN BHAVAN, KODUMON MURI
KODUMON VILLAGE, ADOOR TALUK, PATHANAMTHITTA DISTRICT.

BY ADV. SRI.M.T.SURESHKUMAR

RESPONDENT(S)/COMPLAINANT:

STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF OF KERALA, ERNAKULAM -682 031.

R BY PUBLIC PROSECUTOR SMT.SEENA RAMAKRISHNAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 09-09-2015,

THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

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BABU MATHEW P. JOSEPH, J.

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B.A. No. 1605 of 2015

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Dated this the 9th day of September, 2015

ORDER

This petition is filed under Section 438 of Cr.P.C. for anticipatory bail.

2. Heard the learned counsel appearing for the petitioner and the learned Public Prosecutor appearing for the respondent. C.D. produced.

3. The petitioner is the third accused in Crime No.1135 of 2014 of Kodumon Police Station. The offences alleged are under Sections 323, 324, 354, 354 A and 354 B read with Section 34 of the Indian Penal Code and under Sections 11/12 and 17 of the Protection of Children from Sexual Offences Act. Learned counsel for the petitioner submits that the petitioner is aged only 19. he is studying in a PolyTechnic. He has no criminal antecedents. He is innocent of the allegations raised against him. The investigation of the case is almost over. The alleged occurrence, even according to the de facto complainant, took place in April, 2013. But, she has preferred a complaint raising allegations only on 22.11.2014. This itself shows the falsity of the allegations raised by the de facto complainant. The custodial interrogation of the petitioner is not required. The second accused was already granted anticipatory bail by this Court. It is further submitted that the petitioner apprehends arrest by the police at any time.

4. Learned Public Prosecutor has opposed this petition. She admits the fact that the investigation has progressed much. She further submits that no criminal antecedents have been reported against the petitioner. On considering the facts and circumstances, stage of the investigation, age of the petitioner and the fact that the petitioner is a student and the second accused in this case was already granted anticipatory bail, this Court is of the view that the petitioner can be granted anticipatory bail imposing appropriate conditions.

5. Therefore, the petitioner is granted anticipatory bail subject to the following conditions:

- 1) The petitioner shall surrender before the Investigating Officer on or before 16.9.2015.

In the event of his arrest, he shall be released on bail on his executing a bond for Rs. 25,000/- (Rupees twentyfive thousand only) with two solvent sureties each for the like sum to the satisfaction of the Investigating Officer.

- 2) The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him or her from disclosing such facts to the Court or to any Police Officer.
- 3) The petitioner shall make himself available for interrogation as and when required by the Investigating Officer.
- 4) The petitioner shall not influence or intimidate the prosecution witnesses nor shall he attempt to tamper with the evidence for the prosecution.
- 5) The petitioner shall not commit any similar offence while on bail.
- 6) The petitioner shall not leave India without the previous permission of the concerned Magistrate's Court.

This application is allowed as above.

Sd/-

BABU MATHEW P. JOSEPH JUDGE //TRUE COPY// PA TO JUDGE avk