

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MRS. JUSTICE SOPHY THOMAS

FRIDAY, THE 22ND DAY OF MARCH 2024 / 2ND CHAITHRA, 1946

BAIL APPL. NO. 1499 OF 2024

CRIME NO.754/2023 OF CHOTTANIKKARA POLICE STATION, Ernakulam

PETITIONER/S:

P.G.MANU,
AGED 53 YEARS
S/O GOPALAN, PADMALAYAM, MAMALASSERY NEAR PIRAVOM, ERNAKULAM, PIN
- 688561
BY ADVS.
P.K.VARGHESE
M.T.SAMEER
DHANESH V.MADHAVAN
K.R.ARUN KRISHNAN
JERRY MATHEW
REGHU SREEDHARAN
RAMEEZ M. AZEEZ
ATHUL.P

RESPONDENT/S:

- 1 STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,HIGH COURT OF KERALA, PIN -
682031
- 2 XXXXXXXXXXXX
XXXXXXXXXXXX XXXXXXXXXXXX
BY ADVS.
V.JOHN SEBASTIAN RALPH
APOORVA RAMKUMAR
VISHNUMAYA M.B.

OTHER PRESENT:

SRI.PRASANTH M.P

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 22.03.2024, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

SOPHY THOMAS, J.

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B.A. No. 1499 of 2024

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ORDER

Dated this the 22nd day of March, 2024

This is an application for regular bail under Section 439 of the Code of Criminal Procedure, 1973 filed by the sole accused in Crime No. 754 of 2023 of Chottanikkara Police Station, Ernakulam, registered under Sections 450, 354,, 376(1), 376(2) (b), 376(2)(n) and 506(i) of IPC and Sections 66(E) & 67A of the Information Technology Act, 2000.

2. The prosecution allegation is that, the petitioner who was a Senior Government Pleader of High Court of Kerala, on 09.10.2023 at 5.00 pm, outraged the modesty of the de facto

complainant, who was a victim in another sexual assault case, when she approached him, for assistance to settle that case. On 11.10.2023 at 05.00 pm, the petitioner committed rape on her inside his office, and took her photographs, and continuously sent obscene videos to her. On 24.10.2023, at 12.00 noon, threatening her that if she was not ready to co-operate with him, she would be made an accused in the earlier case, again committed rape on her, at her house.

3. The de facto complainant got herself impleaded as additional 2nd respondent, and she filed objection to this bail application.

4. Heard learned counsel for the petitioner, learned counsel for the de facto complainant, and also the learned Public Prosecutor.

5. Learned Public Prosecutor though opposed the bail application, submitted that, investigation is over, and final report

has been filed. At the time of hearing no arguments were raised from the part of the 2nd respondent/survivor, though an objection was seen filed from her part earlier.

6. Learned counsel for the petitioner would submit that, the petitioner is in judicial custody from 31.01.2024, and since investigation is over, and final report has been filed, his continued detention is not necessary for the purpose of investigation. He is ready to abide by any conditions imposed by this Court.

7. The fact that the petitioner was a Senior Government Pleader of this Court, and he sexually exploited a hapless lady who approached him to settle a case, in which she was the victim, is to be taken note of seriously. The allegation is that, the petitioner, who was in a position to dominate the will of the victim, sexually exploited her, and committed rape on her twice, and sent obscene videos to her continuously. But, considering

the fact that the investigation is over and final report has been filed, this Court is inclined to release him on bail, but on stringent conditions, to ensure the safety and security of the survivor lady.

8. In the result, the bail application is allowed on the following terms:-

- i. The petitioner shall be released on bail on executing bond for Rs.2,00,000/- (Rupees two lakh only) with two solvent sureties each for the like sum to the satisfaction of the trial court.
- ii. Thereafter, the petitioner shall report before the Investigating Officer on the first Saturday of every month at 03.00 pm, till the material witnesses in the Sessions Case are being examined.
- iii. The petitioner shall not enter the limits of

Chottanikkara police station, till the trial in the sessions case is over, except for the purpose of reporting before the Investigating Officer for complying with condition No. ii.

iv. The petitioner shall not contact the victim or her family members and shall not cause any kind of harassment to them either directly or indirectly.

v. The petitioner shall not influence or intimidate the witnesses or tamper with the evidence.

vi. The petitioner has to surrender his passport before the trial court at the time of executing the bond and if he is not having a passport, he has to file an affidavit to that effect.

vii. The petitioner shall not leave the limits of State of Kerala without getting prior sanction from the trial court.

viii. The petitioner shall not commit any offences while on bail.

ix. In case of violation of any of these conditions, the trial court is empowered to cancel his bail, in accordance with law.

Sd/-

SOPHY THOMAS

JUDGE

RMV