

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE BECHU KURIAN THOMAS

TUESDAY, THE 26TH DAY OF JULY 2022 / 4TH SRAVANA, 1944

BAIL APPL. NO. 5665 OF 2022

[CRIME NO.583/2022 OF PUDUKKAD POLICE STATION, THRISSUR]

PETITIONER/ACCUSED:

XXXXXXXXXX
XXXXXXXXXX XXXXXXXXXXXX

BY ADVS.
A.C.DEVY
A.M.ABDULLA

RESPONDENT/COMPLAINANT/STATE:

THE STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF
KERALA, PIN - 682031

BY ADV NIMA JACOB - PUBLIC PROSECUTOR

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
26.07.2022, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

BECHU KURIAN THOMAS, J.

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B.A.No. 5665 of 2022

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Dated this the 26th day of July, 2022

ORDER

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

2. Petitioner is the sole accused in Crime No.583/2022 of the Pudukkad Police Station, Thrissur, alleging offences under Section 323 r/w Section 506(i) of the Indian Penal Code, 1860 and Section 8 r/w Section 7, Section 10 r/w Sections 9(f), 9(l) and 9(m) of the Protection of Children from Sexual Offences Act, 2012.

3. The prosecution case is that from June, 2014 to June, 2022 the petitioner, who is a tuition teacher of the victim committed sexual assault on him at various places, including the bedroom of the petitioner's house and in the room of a church and thereby, committed the offences alleged.

4. Smt.Devy, the learned counsel for the petitioner contended that the entire prosecution case is false and that no offences as alleged had taken place. The learned counsel further

pointed out that the alleged victim had attacked the petitioner and he sustained serious injuries, which had to be sutured by 96 stitches and that the complaint is the result of the said incident. It was also submitted that the petitioner was arrested on 21.06.2022.

5. Smt. Nima Jacob, the learned Public Prosecutor opposed the grant of bail and submitted that the petitioner has committed a serious crime and releasing the petitioner on bail at this juncture would cause serious prejudice to the prosecution case as well as the witnesses.

6. A perusal of the case diary reveals that prima facie, there are materials on record to connect the petitioner with the crime. However, since petitioner was remanded to judicial custody on 21.06.2022, I am of the view that the continued detention of the petitioner is not required in the circumstances of the case. Therefore, the petitioner is entitled to be released on bail.

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 his 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.

8. 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.

**Sd/-
BECHU KURIAN THOMAS
JUDGE**