

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE DR. JUSTICE KAUSER EDAPPAGATH

FRIDAY, THE 1ST DAY OF SEPTEMBER 2023 / 10TH BHADRA, 1945

BAIL APPL. NO. 7289 OF 2023

CRIME NO.1006 OF 2023 OF VELLARADA POLICE STATION,
THIRUVANANTHAPURAM

PETITIONER/1st ACCUSED:

ANU
AGED 21 YEARS, S/O MANIYAN
AJITH BHAVAN, PANACHAMOODU P.O,
THIRUVANANTHAPURAM DISTRICT, PIN - 695505

BY ADV S.NIKHIL SANKAR

RESPONDENT/COMPLAINANT:

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

SRI.NOUSHAD K.A [PP]

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
01.09.2023, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

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ORDER

Dated this the 1st day of September, 2023

This application is filed u/s 438 of the Code of Criminal Procedure seeking pre-arrest bail.

2. The applicant is the accused No.1 in Crime No.1006/2023 of Vellarada Police Station. The offences alleged are punishable under Section 354 of the I.P.C. and Sections 8 r/w 7 & 16 of the PoCSO Act.

3. The prosecution case, in short, is that on 10/08/2023 at about 5.00 p.m., the applicant along with the accused No.2 came in a bike, caught hold of the hand of the victim with an intention to outrage her modesty and thereby committed the offence.

4. I have heard Sri.Nikhil Sankar S., the learned counsel for the applicant and Sri.Noushad K.A., the learned Public Prosecutor. Perused the case diary.

5. The learned counsel for the applicant submitted that the applicant is innocent and has been falsely implicated in the

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present case. The counsel further submitted that no materials are on record to connect the applicant with the alleged crime; hence, he is entitled to get bail. The learned Public Prosecutor, on the other hand, submitted that the alleged incident occurred as a part of the intentional criminal acts of the applicant, and if he is released on bail at this stage, it will affect the course of the investigation.

6. The applicant is aged 21 years. The victim is aged 15 years. The only allegation is that the applicant came in a bike and caught hold of the hand of the victim. There is nothing to suggest in the F.I.S. that, the said act was done by the applicant with sexual intent or with the intention to outrage the modesty of the victim. The applicant has no criminal antecedents. Considering the allegations levelled against the applicant, his custodial interrogation does not appear to be necessary. For these reasons, it is a fit case where pre-arrest bail can be granted to the applicant.

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

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(i) The applicant shall be released on bail in the event of his arrest on executing a bond for Rs.1,00,000/- (Rupees One lakh only) with two solvent sureties for the like sum each to the satisfaction of the arresting officer/investigating officer, as the case may be.

(ii) The applicant shall fully cooperate with the investigation, including subjecting himself to the deemed police custody for discovery, if any, as and when demanded.

(iii) The applicant shall appear before the investigating officer between 10.00 a.m. and 11.00 a.m. every Saturday until further orders. He shall also appear before the investigating officer as and when required.

(iv) The applicant shall not commit any offence of a like nature while on bail.

(v) The applicant shall not attempt to contact any of the prosecution witnesses, directly or through any other person, or in any other way try to tamper with the evidence or influence any witnesses or other persons related to the investigation.

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(vi) The applicant shall not leave the State of Kerala without the permission of the trial Court.

(vii) The application, if any, for deletion/modification of bail conditions or cancellation of bail on the grounds of violating the bail conditions shall be filed at the jurisdictional court.

Sd/-
DR. KAUSER EDAPPAGATH
JUDGE

APA