



**BEFORE HON'BLE HIGH COURT OF KERALA AT
ERNAKULAM**

Bail Application No. _____ of 2022

Petitioner/Sole Accused : P.Balachandrakumar@ Balu
-Vs-
Respondent/State : State of Kerala

SYNOPSIS

1. Petitioner apprehends arrest in Crime No.83 /2022 of Elamakkara Police Station registered under section 376(i) of I.P.C and section 66 E of The Information Technology (Amendment) Act,2008. Petitioners seek Anticipatory bail.
2. The allegation against the Petitioner is that he raped the Defacto –Complainant during the year 2010 and recorded the alleged incident in his mobile phone .The defacto complainant is now aged 44. The allegation surfaced only in February 2022 after the Petitioner revealed certain facts which lead to registration of crime No 6/22 of Crime Branch Police Station ,Ernakulam .There is no convincing explanation regarding the delay. The allegations are false.

List of dates and events

22.11.2021	Statement by Petitioner before police leading to registration of crime No 6/22 of Crime Branch Police station ,Ernakulam.
5.2.2022	Present crime registered against the Petitioner

Relevant statutes relied on

1. Indian Penal Code
2. Information Technology Act

Points to be urged

The Petitioner is innocent in the matter. He has not committed any offences. The allegation is a counterblast to crime No 6/22 of Crime Branch Police Station, Ernakulam, registered against a prominent film actor.

Dated this the 17th day of February , 2022

Counsel for the Petitioner



**BEFORE THE HON'BLE HIGH COURT OF KERALA AT
ERNAKULAM**



Bail Application No. _____ of 2022

(Against Crime No.0083 of 2022 registered by Elamakkara Police Station, Ernakulam District)

Petitioner/Sole Accused:

P.Balachandra Kumar @ Balu aged 50, S/oPushkaran,
Mankala Padippura, Mankkootam Junction,
Thirupuram P.O, Thiruvananthapuram District- 695133

-Vs-

Respondents/State:

State of Kerala
Represented by Public Prosecutor,
High Court of Kerala, Ernakulam.

Address for service on the petitioner is that of his counsel V.Philip Mathews, Gibi C George, Radhakrishnan.E & Amal Parthasaradhy Advocates Valiyaparambil, Thoundayil Lane, Panampilly Nagar, Ernakulam, Kochi-36.

The address for service on the respondent is as shown above.

**APPLICATION FOR ANTICIPATORY BAIL FILED
UNDER SECTION 438 OF Cr.P.C**

Statement of Facts

1. Petitioner is a film Director and had worked as Assistant Director of several movies in Malayalam and Tamil. He had close contact with the prominent film Actor Dileep. Petitioner apprehends arrest in Crime No.0083/2022 registered by Elamakkara Police station

against the petitioner under section 376(1) of I.P.C and section 66 E of The Information Technology (Amendment) Act,2008. Petitioner is arrayed as sole accused in the crime. Copy of F.I.R.No.0083/2022 of Elamakkara Police station is produced herewith as Annexure 1. As the name of the victim has to be kept confidential the portions in Annexure 1 where the name and address of the victim/ defacto complainant is mentioned are concealed/ covered. The petitioner is producing a copy of Annexure 1 in a sealed cover which contains the name and address of the victim/ defacto complainant.

2. The allegation in the Crime is that on a day in the year 2010 the defacto complainant contacted the petitioner over phone in connection with her job. It is alleged that petitioner asked the defacto complainant over phone to come to the house where he was staying. It is alleged that as instructed by the petitioner the defacto complainant went to the place where petitioner stayed and at that time the petitioner pushed her and committed rape on her. It is further alleged that the petitioner showed the video of the alleged incident to the defacto complainant in his mobile which was allegedly recorded in a hidden camera.
3. The entire allegations leveled against the petitioner are false. The present crime is registered as a counter blast to the disclosure statement given by the petitioner against Film Actor Mr.Dileep based on which Crime No 6/22 of Crime Branch Police Station ,Ernakulam has been registered against Film Actor Mr.Dileep and others. To wreck vengeance on the petitioner and to silence him, the present allegations are raised against the petitioner through the

defacto complainant at the behest of Mr.Dileep. The defacto complainant is only a tool to trap the petitioner. It is pertinent to note that the alleged incident happened in the year 2010. The defacto complainant has come with this allegation after 12 years particularly after the disclosure statement given by the petitioner against Film Actor Mr.Dileep. There is long delay in lodging the FIR. The FIR was registered on 5.2.2022 and sent to the Magistrate Court on 7.2.2022, the date on which B.A No 248/2022 and connected cases were allowed. . The allegations in the Crime are not at all believable.

4. Petitioner has no contact or connection with the defacto Complainant .He has never seen her .It appears that she has raised the present allegation to compel the Petitioner to retreat from revealing the truth relating to crime No 6/22 of Crime Branch Police Station ,Ernakulam.The crime has been registered based on a petition filed before Commissioner of Police ,Ernakulam. That was forwarded to SHO ,Elamakkara.
5. Now petitioner has received notice dated 17-02-2022 from the Additional Police Superintendent, HiTech Crime Enquiry Cell, Thiruvananthapuram directing the petitioner to appear before him on 18-02-2022 for interrogation in the above said crime. Copy of Notice dated 17-02-2022 issued by the the Additional Police Superintendent, HiTech Crime Enquiry Cell, Thiruvananthapuram to the petitioner is produced herewith as **Annexure 2**.
6. Petitioner has not committed any offences as alleged. He is innocent. He has been falsely implicated in the crime by the Police.

The arrest and detention of petitioner in custody is not at all necessary for the prosecution of the case. Detention of petitioner is not necessary for any kind of investigation or prosecution as held in **Gopalakrishnan @ Dileep v. State of Kerala 2022 (1)KLT 774**

7. Petitioner undertakes that he will not abscond, tamper with evidence or try to influence witness. He is prepared to Co-operate with the investigation and prosecution of the case. He will not commit any offence if released on bail. Petitioner has no criminal antecedents. Petitioner apprehends torture in Police custody. He is under treatment for high BP and Diabetes. He is suffering from post Covid complications. He has difficulty in breathing. He underwent a kidney surgery in December 2019. He is following strict food control. His life will be in danger if sent to Police custody. He has a wife and two minor children.
8. Petitioner has not moved any application for Anticipatory bail. No bail applications are pending. No other applications will be moved pending disposal of this application.
9. In the above Circumstances it is humbly prayed that this Hon'ble Court may kindly be pleased to direct the Police Officer arresting the petitioner in connection with Crime No.0083/2022 registered by Elamakkara Police station to release him on bail and allow this Anticipatory Bail Application.

Dated this the 17th day of February 2022

V.Philip Matnews
Counsel for the Petitioner

