

**IN THE COURT OF SESSION, ERNAKULAM DIVISION**

Present:-

Sri. Shibu Thomas, II Additional District & Sessions Judge

Friday, 8<sup>th</sup> day of April, 2022/18<sup>th</sup> Chaithra, 1944

**Crl.M.C.No.775 of 2022**

(Crime No.163/2022 of Cheranelloor Police Station)

**Petitioner/Accused:-**

Sujeesh, aged 32 years, S/o Suresh, Pothattiparambil House, Ammancherry lane, Alinchuvadu, Vennala, Edapally south village.

By Advs.M/s.Geo Paul & C.R. Pramod

**Respondent/Complainant:-**

State of Kerala, represented by S.I. of police, Cheranelloor Police Station, by Public Prosecutor, Sessions Court, Ernakulam.

By Public Prosecutor Sri. T.P. Ramesh

This petition filed u/s.439 of Cr.P.C., praying this Court to grant regular bail to the petitioner.

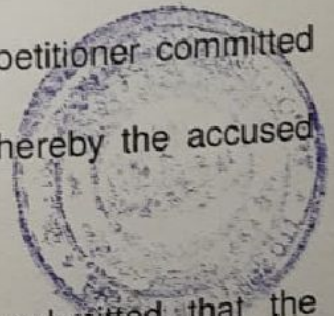
This petition coming on for hearing on 07.04.2022 and the court on 08.04.2022, passed the following:-

**ORDER**

This is the second application for regular bail filed u/s.439 of CrPC. Petitioner is the accused in Crime No.163/2022 of Cheranelloor Police Station. The offence alleged against the petitioner is u/s. 376 IPC.

2. The case of the prosecution is that petitioner is the proprietor of a studio named INKFFECTED TATTOO situated at Kunnumpuram, Cheranelloor on 09/11/2021 at about 10 a.m., the petitioner committed rape on defacto complainant at the tattoo studio, thereby the accused alleged to have committed the aforesaid offences.

3. The learned counsel for the petitioner submitted that the



petitioner/accused is innocent of the offences alleged against him and he has been falsely implicated in the case.

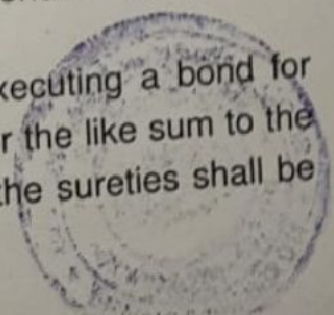
4. The learned Public Prosecutor opposed the bail application.

5. Heard both sides and perused the records.

6. The petitioner/accused was arrested on 06/03/2022 and since then he is in judicial custody. Investigation of the case is in advanced stage. Medical examination of the accused and victim has completed. Statement of the victim and material witnesses were seen recorded. Material objects in connection with the crime were recovered. The petitioner has been in custody for more than 25 days and no purpose would be served with the further detention of the petitioner. Considering the facts and circumstances of this case and also considering the incarceration already undergone by the petitioner, I am of the view that further detention of the petitioner in jail is not necessary for the purpose of investigation. The apprehension of the respondent that there is every chance of influencing or intimidating the witnesses and committing similar crimes can be safeguarded and set right by imposing conditions, to which the petitioner is willing, ready and amenable. In such circumstances, I am of the view that petitioner can be released on bail on stringent conditions.

**In the result,** CrI. M.C is allowed on the following conditions;

- 1) The petitioner shall be released on bail on executing a bond for Rs.1,00,000/- with two solvent sureties each for the like sum to the satisfaction of the jurisdictional court. One of the sureties shall be his close relative.



- 2) The petitioner shall appear before the Investigating Officer on every Monday and Saturday between 09.00 am and 10.00 am, till the final report is filed.
- 3) The petitioner shall appear before the investigating officer for the purpose of interrogation as and when required by him in connection with the above crime, till the final report is filed.
- 4) The petitioner shall not intimidate or influence the witnesses or interfere with the investigation.
- 5) The petitioner shall not involve in any other crime during the bail period.
- 6) The petitioner shall not enter into the limit of Cheranalloor Police Station limits except for complying condition no. 2 and 3, till final report is filed.
- 7) The petitioner shall not contact the victim directly or over phone.

In case of violation of any of the conditions, the bail granted to the petitioner will result to cancellation of bail.


Dictated to the Confdl. Asst., transcribed and typed by her, corrected by me and pronounced in open court on this the 8<sup>th</sup> day of April, 2022.

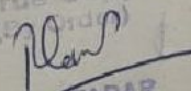
Sd/-

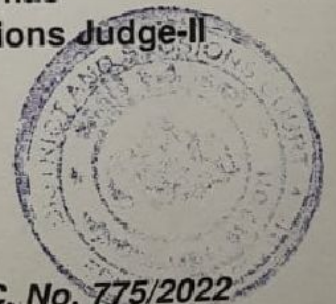
Shibu Thomas

Addl. District & Sessions Judge-II

sk/-

Comp.by: 

// True Copy //  
(Sd/-)  
  
SHERISTADAR



Crl. M.C. No. 775/2022  
Order dated : 08.04.2022