

K.Radhakrishnan Vs. State of Kerala

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Court : Kerala

Decided On : Jul-30-2013

Judge : Honourable Mr.Justice P.Bhavadasan

Appellant : K.Radhakrishnan

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE P.BHAVADASAN TUESDAY,THE 30TH DAY OF JULY 2013 8TH SRAVANA, 1935 Bail Appl..No. 5083 of 2013 ()
----- CRIME NO. 400/2013 OF MAYYIL POLICE STATION , KANNUR DISTRICT ----- PETITIONER/ACCUSED :
----- K.RADHAKRISHNAN, S/O.BHASKARAN, AGED 4 YEARS, PARAMMAL PUTHIYAPURAYIL HOUSE, KOLANTHA, MALAPPATTAM, KANNUR DISTRICT. BY ADV. SRI.C.P.PEETHAMBARAN
RESPONDENT/COMPLAINANT : ----- STATE OF KERALA, REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM. BY PUBLIC PROSECUTOR SRI. ROY THOMAS THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 30-07-2013, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: sts P.BHAVADASAN, J.

ORDER

The petitioner is the sole accused in Crime No.400/2013 of Mayyil Police Station who is alleged to have committed the offences punishable under Section 354A(1)(i) of Indian Penal Code and Section 7 read with Section 8 of Protection Children from Sexual Offences Act. The allegation against the petitioner is that on 17.06.2013 at about 6 p.m, he came to the residence of the de facto complainant along with her husband and started to consume liquor by sitting on the veranda of her house and thereafter committed certain acts which gave rise to the offences.

2. The petitioner would say that he is innocent and has been falsely implicated in the matter. According to him, he has not committed any act as alleged. At any rate, it is pointed out that he has been in custody from 19.06.2013 onwards and his continued custody is unnecessary.

3. Learned Public Prosecutor opposed the petition and B.A. No.5083/2013 2 pointed out that the investigation is not yet complete.

4. After having heard the learned counsel for the petitioner, the learned Public Prosecutor and also after having perused the records, though the claim of the petitioner that he is totally innocent may not be capable of acceptance, the fact remains that he has been in custody from 19.06.2013 onwards and a good part of the investigation must have been completed by now and only the routine matters must be remaining. Considering the various aspects, it is felt that the continued custody of the petitioner is unnecessary. Therefore, the application is allowed on the following conditions: i) The petitioner shall be released on bail on his executing a bond for Rs.25,000/- (Rupees twenty five thousand only) with two solvent sureties for the like sum each to the satisfaction of the Court concerned. ii) The Court concerned shall ensure the identity of the sureties and also the veracity of the tax receipts produced by him. iii) The petitioner shall report before the Investigating Officer on every Wednesday between 9 a.m and 10 a.m until further orders. B.A. No.5083/2013 3 iv) The petitioner shall not tamper or attempt to tamper with the evidence or influence or try to influence the witness. v) If any of

the condition is violated, the bail granted shall stand cancelled and the Court concerned, on being satisfied of the said fact, may take such steps as are available to it in law. Sd/- P.BHAVADASAN JUDGE smp // True copy // P.A.to Judge.

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