

Vimal @ Saviour Vs. State of Kerala

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Court : Kerala

Decided On : Oct-07-2013

Judge : Honourable Mr.Justice P.Bhavadasan

Appellant : Vimal @ Saviour

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE P.BHAVADASAN MONDAY,THE7H DAY OF OCTOBER201315TH ASWINA, 1935 Bail Appl..No. 6619 of 2013 (B) ----- [CRIME NO.1196/2013 OF ALAPPUZHA SOUTH POLICE STATION] PETITIONER: ----- VIMAL @ SAVIOUR, AGED21 S/O. ANTONY, PEROOR COLONY, KALARKODE, AMABLAPPUZHA TALUK, ALAPPUZHA DISTRICT. BY ADV. SRI.P.SHANES. RESPONDENT: ----- STATE OF KERALA, REP. BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM. BY PUBLIC PROSECUTOR SRI. DHANESH MATHEW MANJOORAN. THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON0710-2013, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: Prv. P.BHAVADASAN, J.

----- B.A. No. 6619 of 2013 -----
----- Dated this the 07th day of October, 2013

ORDER

The petitioner stands accused of having committed offences punishable under Section 376 of IPC and Section 4 of the Protection of Children from Sexual Offences Act 2012.

2. The allegation against the petitioner is that he committed rape on the victim who is aged below the age of 18 on two occasions; one on 09.03.2012 and another on 10.06.2013 at two different places.

3. The petitioner would say that the allegations are totally false and made with ulterior motive. According to him, he and the victim were in deep love and if at all there was any physical contact, it was with the consent and willingness of the victim. At any rate, it is pointed out that the petitioner has been in custody from 07.08.2013 onwards and his continued custody is unnecessary. B.A. No. 6619/2013 -2- 4. The learned Public Prosecutor only pointed out that the investigation is not yet complete.

5. After having heard the learned counsel for the petitioner and the learned Public Prosecutor and having perused the records, even though it may not be possible to accept the plea of the petitioner that he is totally innocent, considering the places and time at which the offences are alleged to have taken place, there seems to be some force in the submission made by the learned counsel for the petitioner. A deeper probe into the veracity of the allegations is not warranted at this point of time. The petitioner has been in custody from 07.08.2013 onwards and a good part of the investigation must have been completed by now. The continued custody of the petitioner appears to be unnecessary. The petition is allowed as follows: i) The petitioner shall be released on bail on his executing a bond for a sum of ` 25,000/- (Rupees B.A. No. 6619/2013 -3- Twenty Five Thousand only) with two solvent sureties for the like sum 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 before granting bail. iii) The petitioner shall appear before the Investigating Officer on every Wednesday between 9 am and 10 am until further orders. iv) The petitioner shall not tamper or attempt to tamper with the evidence or influence or try to influence the witness. v) If any one of the conditions is violated, the bail granted shall stand cancelled and the court

concerned on being satisfied of the said fact, may take such proceedings as are available to him in law. P.BHAVADASAN JUDGE ds

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