

Ramakrishnan Vs. State of Kerala

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Court : Kerala

Decided On : Oct-28-2013

Judge : Honourable Mr.Justice P.Bhavadasan

Appellant : Ramakrishnan

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE P.BHAVADASAN MONDAY, THE 28TH DAY OF OCTOBER 2013 6TH KARTHIKA, 1935 Bail Appl..No. 7182 of 2013 () ----- CRIME NO. 801/2013 OF KOLLENGODE POLICE STATION, PALAKKAD DISTRICT. PETITIONER/ACCUSED: ----- RAMAKRISHNAN, S/O.VELAYUDHAN, AGED 39 YEARS, KULAVARAMBU HOUSE, PERUMTHRIKKOVIL, VATTEKKADU, KOLLENGODE, CHITTOOR, PALAKKAD DISTRICT. BY ADV. SRI.T.K.SANDEEP. RESPONDENT/COMPLAINANT/STATE: ----- STATE OF KERALA, REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM-31. BY PUBLIC PROSECUTOR SMT.P. MAYA. THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 28/10-2013, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: rs. P.BHAVADASAN, J.

ORDER

The petitioner is the sole accused in Crime No.801/2013 of Kollengode Police Station who is alleged to have committed the offences punishable under Section 376(f) of Indian Penal Code and Sections 4, 8, 9(m)(n) read with Section 10 of Protection of Children from Sexual Offences Act, 2012. The allegation against the petitioner is that on 28.05.2013 at 12.00 in the noon, the petitioner, who is the father of the victim, is alleged to have committed rape on his daughter.

2. The petitioner would say that he is innocent and has been falsely implicated. He denies of having committed any such act as alleged. At any rate, it is pointed out that he has been in custody from 30.05.2013 onwards and final report has not been laid so far. It is further pointed out that there is no justification in denying statutory bail to the petitioner. B.A. No.7182/2013 2 3. Learned Public Prosecutor opposed the petition. She only pointed out that the investigation is not yet complete.

4. It is quite unfortunate that the court below had not adverted to the fact that final report has not been laid so far and the petitioner has been in custody from 30.05.2013. No reason whatsoever has been given by the Sessions Court for declining bail to the petitioner. One fails to understand how statutory bail could have been denied to the petitioner. No provision is shown in the Protection of Children from Sexual Offences Act, 2012 which overrides the statutory provisions under Section 167 Cr.P.C. In the light of the fact that the petitioner has been in custody for more than 90 days, this 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 B.A. No.7182/2013 3 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. iv) The petitioner shall not directly or indirectly get in touch with the victim.

v) The petitioner shall not enter the limits of Kollengode Police Station for a period of three months except for complying with condition No.iii. vi) The petitioner shall not tamper or attempt to tamper with the evidence or influence or try to influence the witness. vii) 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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