

Anil Vs. State of Kerala

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Court : Kerala

Decided On : Oct-29-2013

Judge : Honourable Mr.Justice P.Bhavadasan

Appellant : Anil

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE P.BHAVADASAN TUESDAY, THE 29TH DAY OF OCTOBER 2013 7TH KARTHIKA, 1935 Bail Appl..No. 6795 of 2013 () ----- CRIME NO. 683/2013 OF KALPETTA POLICE STATION , WAYANAD DISTRICT ----- PETITIONER/ACCUSED : ----- ANIL, S/O.BALAKRISHNAN, AGED 28 YEARS, MECHERIKUNNU HOUSE, VODACHAL, PANAMARAM, PANAMARAM VILLAGE, MANANTHAVADY TALUK, WAYANADU DISTRICT. BY ADV. SRI.MATHEW KURIAKOSE RESPONDENT/COMPLAINANT ----- STATE OF KERALA, (CRIME NO.683/2013 OF KALPETTA POLICE STATION), REPRESENTED BY THE PUBLIC PROSECUTOR HIGH COURT OF KERALA, ERNAKULAM. BY PUBLIC PROSECUTOR SRI.DHANESH MATHEW MANJOORAN THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 29-10-2013, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: sts P.BHAVADASAN, J.

----- Dated this the 29th day of October, 2013

ORDER

The petitioner is the sole accused in Crime No. 683 of 2013 of Kalpetta Police Station who is alleged to have committed the offences punishable under Sections 366(A) and 376 of the Indian Penal Code and Section 3(a) read with Section 4 of the Protection of Children from Sexual Offences Act, 2012.

2. The allegation against the petitioner is that on 11.09.2013 at about 12.00 in the noon, the accused is alleged to have kidnapped a girl aged a little over 17 years and is alleged to have subjected her to forced sexual assault.

3. The petitioner would say that he is innocent and has been falsely implicated with ulterior motive. According to him, the girl had an affinity towards him and when she was forced to marry somebody else, she left her house and voluntarily sought the aid of the petitioner. In order to B.A. No. 6792/2013 -2- fasten the liability, a false complaint has been lodged to see that the petitioner is put behind the bars. At any rate, he has been in custody from 12.09.2013 onwards and his continued custody is unnecessary.

4. The learned Public Prosecutor opposed the petition and pointed out that the offences are of serious nature and the investigation is going on.

5. After having heard the learned counsel for the petitioner and the learned Public Prosecutor and having perused the records, the claim of the petitioner that he is innocent may not be capable of acceptance as of now. Anyhow, a deeper probe into the veracity of the allegations is not warranted at this point of time. The petitioner has been in custody from 12.09.2013 onwards. A good part of the investigation must have been completed by now. Since no apprehension is expressed by the investigating agency that if the petitioner is released on bail, he is likely to abscond, his continued custody appears to be unnecessary. B.A. No. 6792/2013 -3- 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 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 before granting bail. iii) The petitioner shall appear before the Investigating Officer on every Tuesday 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 of the conditions is violated, bail granted to the petitioner shall stand cancelled and the court concerned may take such steps as are available to it in accordance with law. P.BHAVADASAN JUDGE ds

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