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Aneesh Vs. State of Kerala

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Court : Kerala

Decided On : Jun-02-2014

Judge : Honourable Mr.Justice N.K.Balakrishnan

Appellant : Aneesh

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE N.K.BALAKRISHNAN MONDAY, THE2D DAY OF JUNE201412TH JYAISHTA, 1936 Bail Appl..No. 3402 of 2014 () ---------- CRIME NO. 782/2014 OF KUNDARA POLICE STATION , KOLLAM ---------- PETITIONER/1ST ACCUSED :- ---------- ANEESH @ AYYAPPAN, AGED25YEARS S/O.ANANDAN, CHARUVILA PUTHENVEEDU, MUNDANCHIRA KERALAPURAM, KOTTANKARA VILLAGE, KOLLAM TALUK KOLLAM DIST BY ADV. SRI.S.BIJU (KIZHAKKANELA) RESPONDENT(S) :- ---------- THE STATE OF KERALA REPRESENTED THE PUBLIC PROSECUTOR HIGH COURT OF KERALA AT ERNAKULAM THROUGH THE SUB INSPECTOR OF POLICE KUNDARA POLICE STATION, KOLLAM DIST BY PUBLIC PROSECUTOR SRI.RAJESH VIJAYAN THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON0206-2014, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: jvt N.K.BALAKRISHNAN, J.

---------- B.A. No.3402 of 2014 ---------- Dated this the 2nd day of June 2014

ORDER

Petitioner is the first accused in Crime No.782/2014 of Kundara Police Station. The offences alleged against him and other accused are punishable under Secs.366A (The learned Public Prosecutor rightly submits that the section should be 366 and not 366A of IPC) and 376 of IPC and Sec.5 r/w 6 of POCSO act.

2. It is alleged that with the help of the 2nd accused, the victim girl, who was aged only 16 years was taken to the house of the first accused and from there the first accused had sexual intercourse with her and thus committed the offences as aforesaid.

3. Petitioner has been in custody since 15.4.2014.

4. Learned counsel for the petitioner submits that the petitioner and the victim girl were in love and that the petitioner was always ready and willing to marry the girl. It is further B.A. No.3402 of 2014 -:

2. :- submitted that even now the petitioner is ready to marry her but the parents of the victim, who are now abroad are not ready to give the girl in marriage. It is stated that the victim is staying with her grandmother. Learned counsel for the petitioner submits that the petitioner is aged about 25 years and there is no legal impediment in marrying the girl. It seems they belong to different communities.

5. Considering all the aspects, the petitioner is granted bail with effect from 4.6.2014 subject to the following conditions: a. The accused shall execute a bond for 50,000/- (Rupees Fifty Thousand only) with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate. If in case the Magistrate has any doubt about the genuineness or correctness of the tax receipts produced by the sureties, the learned Magistrate can insist for production of the attested photo copies of the original title deeds of the sureties. b. The accused shall make himself available for interrogation by the Investigating Officer and shall appear before the Investigating Officer on all Mondays between 9.30 AM to 11.30 AM until further

orders. B.A. No.3402 of 2014 -:

3. :- c. The accused shall produce his original passport before the learned Magistrate. If he is not having any valid passport, he should file an affidavit regarding the same before the Magistrate. d. The accused will also file affidavit that he will abide by all the conditions as mentioned above and that he will not commit any offence similar to the offence involved in this case and will not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer or tamper with the evidence. e. The accused shall not leave India without permission of the court. f. The learned Magistrate will also ensure the identity of the sureties by insisting production of electoral photo identity cards/Driving licence etc. Sd/- N.K.BALAKRISHNAN, J UDGE. //True Copy// P.A. To Judge Jvt

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