

Renjith a P Vs. State of Kerala

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Court : Kerala

Decided On : Aug-13-2014

Judge : Honourable Mr.Justice V.K.Mohanan

Appellant : Renjith a P

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE V.K.MOHANAN WEDNESDAY, THE 13TH DAY OF AUGUST 2014 22ND SRAVANA, 1936 Bail Appl..No. 5972 of 2014 ()
----- CRIME NO. 2185/2013 OF THIRUVALLA POLICE STATION, PATHANAMTITTA PETITIONER(S)/3RD ACCUSED:
----- RENJITH A.P., AGED 25 YEARS S/O. THANKAPPAN, ADICHANAKUZHIYIL HOUSE, THALLIYOOR.P.O. MALLAPPALLY. BY ADV.SRI.R.SANTHOSH BABU RESPONDENT(S)/COMPLAINANT:
----- STATE OF KERALA REPRESENTED BY PUBLIC PROSECUTOR HIGH COURT OF KERALA, ERNAKULAM. BY PUBLIC PROSECUTOR ADV.SMT.BINDU GOPINATH THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 13-08-2014, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: ami/ V.K.MOHANAN, J.

----- B.A.No.5972 of 2014 ----- Dated this the 13th day of August, 2014.

ORDER

The petitioner, who is the 3rd accused in Crime No.2185/13 of Thiruvalla Police Station, preferred the above application for anticipatory bail, since he is apprehending arrest in the above crime.

2. The prosecution allegation is that the minor daughter of the de facto complainant, namely Aswathy, was abducted in pursuance of a conspiracy and thereafter the 1st accused committed rape on her and therefore, according to the prosecution, the accused has committed the offences punishable under sections 366(A), 376, 120(b), 201 of IPC and Sections 3 and 4 of the Protection of Children from Sexual Offences Act.

3. Heard the learned counsel for the petitioner and the learned Public Prosecutor. B.A.No.5972 of 2014 2 4. The learned counsel for the petitioner vehemently submitted that the 1st accused is the nephew of the petitioner who was in love with the daughter of the de facto complainant. According to the learned counsel, even if the entire allegations are accepted as true, the only overtact alleged against the petitioner is that he rendered some assistance to the 1st accused in taking away the daughter of the de facto complainant and no other overtact is alleged. It is also the submission of the learned counsel that the marriage of the petitioner is scheduled on 17.8.2014 at Sri.Thrikodithanam Mahadeva Temple. Therefore, the learned counsel submitted that granting bail in favour of the petitioner will no way affect the prosecution. On the other hand, the learned Public Prosecutor stoutly opposing the prayer it is submitted that the petitioner is part of a criminal conspiracy pursuance to which the minor daughter of the de facto complainant was abducted. Therefore, granting anticipatory bail will adversely affect the investigation. B.A.No.5972 of 2014 3 5. I have carefully considered the submissions made by the learned counsel for the petitioner and the learned Public Prosecutor.

6. Having regard to the facts and circumstances involved in the case, especially when no overtact is alleged, other than the alleged assistance rendered by the petitioner in favour of the 1st accused, the custodial interrogation of the petitioner

may not be necessary. However, while granting anticipatory bail, the interest of the prosecution has to be safeguarded. In the result, the above petition is allowed and there will be a direction that the petitioner shall not be arrested for a period of one week from today and in case of his arrest on or after 20.8.2014 connected with Crime No.2185/13 of Thiruvalla Police Station, he shall be released on bail on his executing a bond for Rs.35,000/- with two solvent sureties each for the like amount to the satisfaction of the Investigating Officer in the above crime and on the following other conditions : B.A.No.5972 of 2014 4 1. The petitioner is directed to report before the Investigating Officer in the above Crime between 10 and 11 a.m. on every Saturdays once in a fortnight.

2. The petitioner shall co-operate with the investigation and he shall not interfere with the same or attempt to influence the witnesses or tamper the evidence. Sd/- V.K.MOHANAN, Judge. ami/ //True copy// P.A.to Judge

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