

Ibins, vs State of Kerala,

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Court : Kerala Orders

Decided On : Jan-30-2024

Judge : Honourable Mrs. Justice Sophy Thomas

Appeal No. : Bail Appl./494/2024

Appellant : IBINS,

Respondent : State of Kerala,

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MRS. JUSTICE SOPHY THOMAS TH
TUESDAY, THE 30 DAY OF JANUARY 2024 / 10TH MAGHA, 1945
BAIL APPL. NO. 494 OF 2024 CRIME NO.1191/2023 OF Pozhiyoor
Police Station, Thiruvananthapuram PETITIONER/ACCUSED NO.2:
IBINS, AGED 34 YEARS S/O.DAMAYANS, PUTHUVAL PURAYIDAM
VEEDU, PARUTHIYOOR, POZHIYOOR DESAM, KULATHOOR
VILLAGE, NEYATTINKARA TALUK, THIRUVANANTHAPURAM
DISTRICT, PIN - BY ADV R.B.RAJESH RESPONDENTS/STATE: 1
STATE OF KERALA, REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, PIN - 682031 2 THE STATON HOUSE
OFFICER, POZHIYOOR POLICE STATION, THIRUVANANTHAPURAM

DISTRICT, PIN - 695582 SR.PP-SRI.VIPIN NARAYANAN THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 30.01.2024, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER

Dated this the 30th day of January, 2024

This is an application for regular bail under Section 439 of Code of Criminal Procedure, 1973 filed by the 2nd accused in Crime No.1191 of 2023 of Pozhiyoor Police Station, Thiruvananthapuram, registered under Sections 354(A), 323, 341, 506(ii), 376 and 376(D) r/w Section 34 of IPC, and Sections 66E, 67 and 67A of IT Act.

2. The prosecution allegation is that on 14.07.2023, when

the victim girl aged 19 years, went to Pozhiyoor beach along with her friends, accused Nos.1 and 2 reached there, and after tying up her friends, they committed rape on her, one after another, and took video of their sexual act, and later uploaded it in social media.

3. Heard learned counsel for the petitioner and learned Public Prosecutor.

4. Learned Public Prosecutor vehemently opposed the bail application, stating that the allegations made against the petitioner are so serious in nature, and investigation is only progressing.

5. Learned counsel for the petitioner would submit that

though the incident was on 14.07.2023, FIR was lodged only on 28.11.2023. The petitioner was arrested on 29.11.2023, and since then he is in judicial custody. He is ready to abide by any conditions imposed by this Court.

6. On going through the records, including statement of

the victim, it could be seen that while she was sitting along with her friends in Pozhiyoor beach, accused Nos.1 and 2 reached there, and after tying up her friends, both of them raped her one after another, and took the video of accused Nos.1 and 2, committing rape of her, and thereafter uploaded it in social media. Considering the gravity of the offence, and the severity of the punishment in case of conviction, and also considering the fact that the investigation is in progress, it is not safe to

release the petitioner on bail, as it may affect the safety and security of the victim girl. So this Court is not inclined to allow this bail application. In the result, this bail application stands dismissed. Sd/- SOPHY THOMAS JUDGE SSK/30/01 APPENDIX OF BAIL APPL. 494/2024 PETITIONER ANNEXURES Annexure 1 TRUE COPY OF THE F.I.R NO.1191/2023 DATED 28/11/2023 OF POZHIYOOR POLICE STATION Annexure 2 CERTIFIED COPY OF THE ORDER IN CRL.M.P NO:194/2024 DATED 11RO1-2024 OF JUDICIAL FIRST CLASS MAGISTRATE COURT-II, NEYYATTINKARA

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