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Vinod, vs State of Kerala,

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Court : Kerala Orders

Decided On : Jan-09-2024

Judge : Honourable Mrs. Justice Sophy Thomas

Appeal No. : Bail Appl./10290/2023

Appellant : VINOD,

Respondent : State of Kerala,

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MRS. JUSTICE SOPHY THOMAS TUESDAY, THE 9TH DAY OF JANUARY 2024 / 19TH POUSHA, 1945 BAIL APPL. NO. 10290 OF 2023 CRIME NO.637/2023 OF Vellathooval Police Station, Idukki PETITIONER/SOLE ACCUSED: VINOD, AGED 45 YEARS S/O.GEORGE, VELIYATHU HOUSE, NORTH SELLIAMPARA, KUNJITHANNY VILLAGE, IDUKKI DISTRICT, PIN - 685565 BY ADVS. N.K.SHYJU GIREESH PANKAJAKSHAN ANANYA M. VISHNU MOHAN ATHIRA PADMENDHU

RESPONDENT/COMPLAINANT: STATE OF KERALA, REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM, PIN - 682031 OTHER PRESENT: SR.PP-SRI.RENJIT GEORGE THIS

BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 09.01.2024, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: BAIL APPL. NO. 10290 OF 2023 2

ORDER

This is an application for regular bail under Section 439 of the Code of Criminal Procedure, 1973 filed by the sole accused in Crime No.637/2023 of Vellathooval Police Station, Idukki District, registered under Sections 354, 354(B), 354A(1)(i) r/w Section 376(1) of IPC and under Section 7 r/w 8 and 4(1) r/w 3(a) of POCSO Act.

2. The prosecution allegation is that, on 18/10/2023, when

the victim girl aged 17, reached the house of her friend for giving the food taken for her from Aganwadi, then, the father of her friend sexually assaulted her.

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

4. Learned Public Prosecutor vehemently opposed this petition.

5. Learned counsel for the petitioner would contend that

the petitioner is absolutely innocent and he was falsely implicated in this case. The petitioner is aged 45 years, and the victim girl is aged 17 years. When she went to the house of her BAIL APPL. NO. 10290 OF 2023 3 friend for giving the food obtained from Aganwadi, then the father of her friend sexually assaulted her. It is true that, he is in judicial custody from 19/10/2023 onwards. Both the petitioner and the victim are residing in the same locality. Investigation is not over, and it is progressing as reported by learned Public Prosecutor.

6. Considering the gravity of the offence, and the stage of

investigation, this Court is not inclined to release the petitioner on bail, at present. In the result, this bail application is dismissed. Sd/- SOPHY THOMAS JUDGE ska BAIL APPL. NO. 10290 OF 2023 4 APPENDIX OF BAIL APPL. 10290/2023 PETITIONER ANNEXURES Annexure 1 A FREE COPY OF THE ORDER DATED

06.11.2023, IN CRL MC NO. 852/2023 OF SPECIAL COURT UNDER POCSO ACT AND CHILDRENS ACT, THODUPUZHA

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