

Vishnu vs State of Kerala,

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Court : Kerala

Decided On : Apr-25-2023

Judge : Honourable Mr.Justice P.G. Ajithkumar

Appeal No. : Bail Appl./2624/2023

Appellant : Vishnu

Respondent : State of Kerala,

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE P.G. AJITHKUMAR
TUESDAY, THE 25TH DAY OF APRIL 2023 / 5TH VAISAKHA, 1945
AGAINST THE ORDER IN CRMP 812/2023 OF DISTRICT COURT &
SESSIONS COURT,THRISSUR PETITIONERS/ACCUSED NO.1 & 2: 1
VISHNU, AGED 19 YEARS S/O. SURESH, VADAYIL HOUSE,
PADIYAMDESOM & VILLAGE, THRISSUR TALUK, PIN - 680613 2
NEERAJ, AGED 18 YEARS S/O. BIJU, KATTUTHINDIYIL HOUSE,
PULAMPUZHAKADAVU DESOM, PADIYAM VILLAGE, THRISSUR
TALUK, PIN - 680613 BY ADVS. N.U.HARIKRISHNA MITHUN BABY
JOHN RESPONDENT/STATE: STATE OF KERALA, REP. BY PUBLIC
PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM, PIN -

682031 SR PP. D.G.MANU THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 25.04.2023, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: -2-

ORDER

This is an application for bail filed under Section 439 of the Code of Criminal Procedure, 1973.

2. The petitioners are the accused in Crime No.218/2023 of

Anthikkad Police Station, Thrissur District. They allegedly have committed the offences punishable under Sections 341, 363, 354, 354(A)(1)(i) IPC and Sections 7, 8, 9(m), 10, 16, 17 of Protection of Children from Sexual Offences Act, 2012.

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

4. The prosecution allegation is that, on a day in between

02.01.2023 and 07.01.2023, the 2nd accused (the 2nd petitioner herein), with the aid of 1st and 3rd accused brought the survivor to the residence of the 1st petitioner in a car and sexually assaulted her at his residence and thereby committed the offences alleged.

5. The petitioners would contend that they did not involve in

the alleged crime and without any material or evidence, they have been implicated in the crime. They are innocent. The investigation in the matter has been progressed considerably and -3- there is no reason or justification for their further detention.

6. The learned Public Prosecutor would submit that

considering the seriousness of the offence and the possibility of interfering with the investigation by the petitioners in the event of their release on bail, this petition deserve only to be dismissed.

7. Petitioners are aged 19 and 18 respectively. They were arrested on 22.03.2023 and have been in custody ever since. The 1st petitioner has completed his plus two class and the 2 nd

petitioner is pursuing his plus two education. Learned Public Prosecutor would concede that the petitioners did not involve in other crime prior to the present incident.

8. Having heard the learned counsel appearing for the

petitioners and the learned Public Prosecutor, and considered the nature and gravity of the offence, further detention of the petitioners is appeared unnecessary. I am therefore of the view that the petitioners are entitled to be released on bail. In the result, the bail application is allowed and the petitioners are granted bail on their executing a bond for Rs.50,000/- (Rupees fifty thousand only) each, with two solvent sureties for the like amount each, to the satisfaction of the -4- learned Magistrate, subject to the following conditions:

(i) They shall not influence or intimidate witnesses or tamper with evidence;

(ii) They shall appear before the investigating officer as and when called for; and

(iii) During the bail period, they shall not get

involved in any offence. In case of breach of the bail conditions, the prosecution shall be at liberty to apply for cancellation of the bail before the jurisdictional court.

P.G. AJITHKUMAR JUDGE uu 25.04.2023 -5- APPENDIX OF BAIL APPL. 2624/2023 PETITIONER ANNEXURES Annexure A1 TRUE COPY OF ORDER IN CRL.MP 812/2023 ON THE FILE OF THE 1ST ADDITIONAL SESSIONS COURT , THRISSUR DATED 09-03-2023

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