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Roshith Rajeevan vs State of Kerala

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Court : Kerala Orders

Decided On : Aug-16-2023

Judge : Honourable Mr.Justice Ziyad Rahman a.a.

Appeal No. : Bail Appl./6807/2023

Appellant : Roshith Rajeevan

Respondent : State of Kerala

Judgement :

B.A.No.6807/23 1

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE ZIYAD RAHMAN A.A. WEDNESDAY, THE 16TH DAY OF AUGUST 2023 / 25TH SRAVANA, 1945 BAIL APPL. NO. 6807 OF 2023 AGAINST THE ORDER/JUDGMENTCRMC 306/2023 OF ADDITIONAL DISTRICT COURT & SESSIONS COURT (ATROCITIES & SEXUAL VIOLENCE AG PETITIONER: ROSHITH RAJEEVAN, AGED 29 YEARS, S/O.RAJEEVAN, AMMA HOUSE, KURIKKILAD P.O., VADAKARA, NOW RESIDING AT THOODANNUR, KOZHIKODE DISTRICT, PIN - 673 104. BY ADVS. ZUBAIR PULIKKOOL ARSHID.M.S. RESPONDENT: STATE OF KERALA, REPRESENTED BY PUBLIC

PROSECUTOR, HIGH COURT OF KERALA, PIN - 682 031. SRI.C.S HRITHWIK, SR.PUBLIC PROSECUTOR THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 16.08.2023, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: B.A.No.6807/23 2

ORDER

This is an application filed u/s 439 of the Code of Criminal Procedure seeking regular bail.

2. Petitioner is the accused in Crime No.464 of 2023 of

Vadakara Police Station. Offences alleged against the petitioner are under Sections 376, 376(2)(n), 354D(1)(ii), 363, 506 of the Indian Penal Code, Section 67 of the Information Technology Act and Sections 4 r/w 3(a), 12 r/w 11(iv), 14 r/w 13 of POCSO ACt.

3. The prosecution case is that, on 02.05.2023 at 1 AM,

the accused kidnapped the victim minor girl, aged 17 years in a motor cycle from lawful guardianship and thereafter subjected her to sexual intercourse. Later, the petitioner captured videos of the sexual intercourse and sent the same to the mobile phone of the mother of the victim and threatened her. The crime was registered in such circumstances and as part of the investigation the petitioner was arrested on 25.05.2023. Since then he has been under judicial detention. This application for regular bail is submitted in such circumstances.

4. Heard Sri.Zubair Pulikkool, learned counsel for the petitioner and Sri.C.S.Hrithwik, learned Public Prosecutor for the State. B.A.No.6807/23 3

5. I have carefully gone through the records. From the

statements of the victim given before the Police as well as the learned Magistrate under Section 164 Cr.P.C., it can be seen that specific allegations of sexual assaults are made. It is true that the petitioner and the de facto complainant were in relationship. However, the petitioner is a person aged 29 years and already

married. The victim is aged 17 years. Apparently he enticed the

victim and subjected her to rape. Besides the same, there is allegation that the petitioner had captured the videos of the sexual intercourse and sent the same to the mother. Thus it can be seen that the allegations raised against the petitioner are very serious in nature. It is true that the final report in this case is already submitted. However, considering the nature of allegations and the other relevant aspects, I do not find this as a fit case in which bail

can be granted to the petitioner. Chances of the petitioner influencing the victim and other witnesses are also very high. In such circumstances, I do not find any merit in this application and accordingly this bail application is dismissed. Sd/- ZIYAD RAHMAN A.A. JUDGE DG/16.8.23 B.A.No.6807/23 4 APPENDIX OF BAIL APPL. 6807/2023 PETITIONER ANNEXURES Annexure 1 CERTIFIED COPY OF ORDER IN CRL.M.C. NO.306/2023 BY THE COURT OF ADDITIONAL DISTRICT& SESSIONS FOR THE TRIAL OF CASES RELATING TO ATROCITIES AND SEXUAL VIOLENCE TOWARDS WOMEN AND CHILDREN, KOZHIKODE.

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