

Gokul, vs State of Kerala,

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Court : Kerala

Decided On : Sep-01-2023

Judge : Honourable Dr. Justice Kauser Edappagath

Appeal No. : Bail Appl./7550/2023

Appellant : GOKUL,

Respondent : State of Kerala,

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE DR. JUSTICE KAUSER EDAPPAGATH
FRIDAY, THE 1ST DAY OF SEPTEMBER 2023 / 10TH BHADRA, 1945
BAIL APPL. NO. 7550 OF 2023 CRIME NO.645/2023 OF
MARAYAMUTTAM POLICE STATION, THIRUVANANTHAPURAM
PETITIONER/ACCUSED: GOKUL, AGED 23 YEARS, S/O MOHANAN,
KUZHAVILAPUTHEN VEEDU, MANCHAVILAKOM
P.O, THIRUVANANTHAPURAM DISTRICT, PIN - 695503 BY ADV
S.NIKHIL SANKAR RESPONDENTS: STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF
KERALA, PIN - 682031 SRI.SANGEETHA RAJ N.R[PP] THIS BAIL
APPLICATION HAVING COME UP FOR ADMISSION ON 01.09.2023,

THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: ..2..

ORDER

Dated this the 1st day of September, 2023 This application is filed u/s 439 of the Code of Criminal Procedure seeking regular bail.

2. The applicant is the accused in Crime No.645/2023

of Marayamuttam Police Station. The offences alleged are punishable under Sections 354, 376(1) and 506(1) of the Indian Penal Code and Section 66E of the Information Technology Act.

3. The prosecution case, in short, is that on 20 years, near a rubber plantation, took photographs and thereby committed the offence.

4. I have heard Sri.Nikhil Sankar S., the learned counsel for the applicant and Sri.Sangeetha Raj N.R., the learned Public Prosecutor. Perused the case diary.

5. The learned counsel for the applicant submitted that ..3..

the applicant is innocent and has been falsely implicated in the present case. The counsel further submitted that no materials are on record to connect the applicant with the alleged crime; hence, he is entitled to get bail. On the other hand, the learned Public Prosecutor submitted that the alleged incident occurred as a part of the intentional criminal acts of the applicant, and he is not entitled to bail at this stage.

6. The applicant was remanded to judicial custody on

of 8 days in lodging the F.I.R. The delay has not been satisfactorily explained. A close reading of the F.I.S. would show that the applicant and the victim were in relationship. The applicant is aged 23 years and he has no criminal antecedents. For all these reasons, I do not find any reason to hold that the continued detention of the applicant is required

for any purpose. Hence, the applicant is entitled to be released on bail. In the result, the application is allowed on the following ..4.. conditions: -

(i) The applicant shall be released on bail on executing a bond for Rs.1,00,000/- (Rupees One lakh only) with two solvent sureties for the like sum each to the satisfaction of the jurisdictional Magistrate/Court.

(ii) The applicant shall fully co-operate with the investigation.

(iii) The applicant shall appear before the investigating officer between 10.00 a.m and 11.00 a.m. every Saturday until further orders. He shall also appear before the investigating officer as and when required.

(iv) The applicant shall not commit any offence of a like nature while on bail.

(v) The applicant shall not attempt to contact any of

the prosecution witnesses, directly or through any other person, or in any other way try to tamper with the evidence or influence any witnesses or other persons related to the investigation. ..5..

(vi) The applicant shall not leave the State of Kerala without the permission of the trial Court.

(vii) The application, if any, for deletion/modification of the bail conditions or cancellation of bail on the grounds of violating the bail conditions shall be filed at the jurisdictional court. Sd/- DR. KAUSER EDAPPAGATH JUDGE APA

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