

Manjith vs State of Kerala

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Court : Kerala Orders

Decided On : Jan-19-2023

Judge : Honourable Mr. Justice Bechu Kurian Thomas

Appeal No. : Bail Appl./10084/2022

Appellant : Manjith

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE BECHU KURIAN THOMAS THURSDAY, THE 19TH DAY OF JANUARY 2023 / 29TH POUSHA, 1944 BAIL APPL. NO. 10084 OF 2022 CRIME NO.553/2022 OF KUNNATHUNAD POLICE STATION, ERNAKULAM PETITIONER: MANJITH AGED 20 YEARS S/O UPENDRANATH, RESIDING AT MALLIKPUR, RAGHAPUR, VASISHALI, BIHAR, PIN- 844128 BY ADV JACOB CHACKO RESPONDENT: 1 STATE OF KERALA REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA , PIN - 682031 2 THE SUB INSPECTOR OF POLICE KUNNATHUNAD, ERNAKULAM DISTRICT, PIN- 682303, BY ADV SRI.NOUSHAD.K.A PUBLIC PROSECUTOR THIS BAIL APPLICATION

HAVING COME UP FOR ADMISSION ON 19.01.2023, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

BECHU KURIAN THOMAS, J.

Dated this the 19th day of January, 2023

ORDER

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

2. Petitioner is the sole accused in Crime No.553/2022 of

kunnathunad Police Station, Ernakulam, alleging offences punishable under Sections 450, 354B, 376(3) and 506(i) of the Indian Penal Code 1860, apart from Sections 4(2) r/w Section 3(a) of the Protection of Children from Sexual Offences Act, 2012.

3. According to the prosecution, the accused had raped the

victim aged 13 years, while she was changing her dress inside her house and threatened her, not to reveal the incident to any person and thereby committed the offences alleged.

4. Sri. Jacob Chacko, the learned counsel for the petitioner,

contended that the entire prosecution allegations are false and the incident as alleged had not occurred. It was also stated that petitioner was arrested on 27.10.2022 and has been in custody since then and considering the young age of the petitioner, further detention ought not to be permitted.

5. Sri.Noushad.K.A., the learned Public Prosecutor, opposed the

grant of bail and contended that the allegations are serious, as the petitioner had forced himself upon the victim aged 13 after she had come back from school. It was also pointed out that, later the victim became pregnant and delivered a child.

6. I have considered the rival contentions and also perused the statement of the victim.

7. Even though the petitioner is only 22 years in age, having

regard to the nature of allegations and the possibility of the petitioner absconding from Kerala, looming large, apart from the gravity of the offence committed, I am of the view that this is not a fit case to release the petitioner on bail at this juncture. Accordingly, I dismiss this bail application. BECHU KURIAN THOMAS JUDGE
jka/19.01.23

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