

Suresh vs State of Kerala

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Court : Kerala

Decided On : Feb-28-2023

Judge : Honourable Mr. Justice Bechu Kurian Thomas

Appeal No. : Bail Appl./10510/2022

Appellant : Suresh

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE BECHU KURIAN THOMAS TUESDAY, THE 28TH DAY OF FEBRUARY 2023 / 9TH PHALGUNA, 1944 CRIME NO.1218/2022 OF Kunnamkulam Police Station, Thrissur PETITIONER/ACCUSED: XXXXXXXXXXXX XXXXXXXXXXXX BY ADV SANTHEEP ANKARATH RESPONDENT/STATE: 1 STATE OF KERALA REPRESENTED BY ITS PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM, KOCHI, PIN - 682031 2 STATION HOUSE OFFICER KUNNAMKULAM POLICE STATION, KUNNAMKULAM, THRISSUR DISTRICT, PIN - 680503 PP-SMT.SEETHA S. THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 28.02.2023, THE COURT ON THE SAME

DAY DELIVERED THE FOLLOWING:

BECHU KURIAN THOMAS, J.

B.A. No. 10510 of 2022 Dated this the 28th day of February, 2023

ORDER

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

2. Petitioner is the accused in Crime No.1218 of 2022 of

Kunnamkulam Police Station, Thrissur District. The offences alleged against the petitioner are punishable under Sections 376(2)(n), 450, 506 of the Indian Penal Code, 1860 apart from Section 92(b) the Rights of Persons with Disabilities Act, 2016.

3. According to the prosecution, the victim, who is a mentally challenged person and has a permanent disability in conversing, was raped by the accused on several days and thereby committed the offences alleged.

4. I have heard Sri.Sandeep Ankarath, the learned counsel for the petitioner as well as Smt.Seetha S., the learned Public Prosecutor

5. The accused was arrested on 29-11-2022 and was remanded

to judicial custody for the last 90 days. Investigation was going on and the petitioner has been in custody all this while, the final report has not being filed till the evening of 27-02-2023. Therefore the petitioner is entitled to be released on statutory bail under Section 167(2)(i), since even after the 90th day the final report has not been filed. In the result, this application is allowed under Section 167(2)(i) of Cr.P.C. on the following conditions:-

(a) Petitioner shall be released on bail on him executing a bond for Rs.50,000/- (Rupees fifty thousand only) with two solvent sureties each for the like sum to the satisfaction of the court having jurisdiction.

(b) Petitioner shall appear before the Investigating Officer as and when required.

(c) Petitioner shall not intimidate or attempt to influence the witnesses; nor shall he tamper with the evidence or contact the victim or her family members.

(d) Petitioner shall not commit any similar offences while he is on bail.

(e) Petitioner shall not leave India without the permission of

the Court having jurisdiction. In case of violation of any of the above conditions, the jurisdictional Court shall be empowered to consider the application for cancellation, if any, and pass appropriate orders in accordance with the law, notwithstanding the bail having been granted by this Court. BECHU KURIAN THOMAS JUDGE AJM/28/2/23

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