

XXXXX vs State of Kerala

XXXXX vs State of Kerala

SooperKanoon Citation : sooperkanoon.com/1439793

Court : Kerala

Decided On : Jan-31-2022

Judge : Honourable Mr. Justice Gopinath P.

Appeal No. : Bail Appl./24/2022

Appellant : XXXXX

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE GOPINATH P.
MONDAY, THE 31ST DAY OF JANUARY 2022 / 11TH MAGHA, 1943
CRIME NO.2010/2021 OF KUNNAMKULAM POLICE STATION,
THRISSUR DISTRICT PETITIONER/ACCUSED: XXXXXXXXXXXX
XXXXXXXXXXXX XXXXXXXXXXXX BY ADVS. MITHA SUDHINDRAN
P.M.RAFIQ M.REVIKRISHNAN AJEESH K.SASI SRUTHY N. BHAT
RAHUL SUNIL RESPONDENT: STATE OF KERALA REPRESENTED
BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA ERNAKULAM,
PIN - 682 031. BY SRI.NOUSHAD K A, SR. PUBLIC PROSECUTOR
THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
31.01.2022, THE COURT ON THE SAME DAY DELIVERED THE

FOLLOWING:

ORDER

This is an application for anticipatory bail.

2. The petitioner is the accused in Crime No.2010 of 2021 of

Kunnamkulam Police Station, Thrissur District, alleging commission of offences under Sections 354 and 509 of the Indian Penal Code. The allegation against the petitioner is that on a day in the month of September 2020, the petitioner committed sexual assault on the victim by pressing on her breast and caressing her on her right shoulder. It is also alleged that the petitioner attempted to kiss the victim.

3. The learned counsel for the petitioner would submit that

the petitioner is 80 years old and he is the paternal grandfather of the alleged victim. It is submitted that the allegations have been raised unnecessarily and without any reference to the truth. It is submitted that the allegations have been raised only on account of the fact that the petitioner had not constructed a house for the father of the alleged victim though he had settled some property in favour of the father of the alleged victim.

4. Heard the learned Public Prosecutor also. The learned Public Prosecutor submits that the investigation in the matter is progressing and the truth of the matter can be ascertained only

after through investigation. However, it is submitted that considering the age of the petitioner, the custody of the petitioner may not be required for the purpose of investigation.

5. Having regard to the facts and circumstances of the case

and taking into account the age of the petitioner and considering the nature of the allegations against the petitioner, I am convinced that a proper investigation into Crime No.2010 of 2021 of Kunnamkulam Police Station can be carried out without

the custody of the petitioner.

6. In the result, this bail application is allowed and it is directed that the petitioner shall be released on bail, in the event of his arrest in connection with Crime No.2010 of 2021 of Kunnankulam Police Station, Thrissur District, subject to the following conditions:

(i) The petitioner shall execute a bond for a sum of Rs.50,000/- (Rupees fifty thousand only) with two solvent sureties for the like sum to the satisfaction of the Jurisdictional Court;

(ii) The petitioner shall appear before the investigating officer in Crime No.2010 of 2021 of Kunnankulam Police Station, Thrissur District at 10.00 AM on 03.02.2022 and thereafter, whenever called upon to do so;

(iii) The petitioner shall not attempt to interfere with the investigation or to influence or intimidate the de-facto complainant or any witness in Crime No.2010 of 2021 of Kunnankulam Police Station, Thrissur District;

(iv) The petitioner shall not involve in any other crime while on bail.

If any of the aforesaid conditions are violated, the investigating officer in Crime No.2010 of 2021 of Kunnankulam Police Station, Thrissur District may file an application before the Jurisdictional Court, for cancellation of bail. Sd/- GOPINATH P. JUDGE DK

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com