

Aneesh vs State of Kerala

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Court : Kerala

Decided On : Feb-04-2022

Judge : Honourable Mr. Justice Gopinath P.

Appeal No. : Bail Appl./200/2022

Appellant : Aneesh

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE GOPINATH P. FRIDAY,
THE 4TH DAY OF FEBRUARY 2022 / 15TH MAGHA, 1943 BAIL APPL.
NO. 200 OF 2022 CRIME NO.2179/2021 OF Venjaramoodu Police
Station, Thiruvananthapuram PETITIONER/ACCUSED: ANEESH AGED
29 YEARS S/O. ANILKUMAR, PUNNAKUNNU VEEDU, KALLIKONAM,
SANTHIPURAM, AYIROOPPARA VILLAGE, THIRUVANANTHAPURAM
DISTRICT BY ADV LATHEESH SEBASTIAN RESPONDENT/STATE &
COMPLAINANT: 1 STATE OF KERALA REPRESENTED BY PUBLIC
PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM-682 031 2
STATION HOUSE OFFICER, VENJARAMOODU POLICE STATION,
THIRUVANANTHAPURAM-695 THIS BAIL APPLICATION HAVING

COME UP FOR ADMISSION ON 04.02.2022, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: B.A.No.200/2022 2

ORDER

This is an application for regular bail.

2. The petitioner is the accused in Crime No.2179/2021 of

Venjaramoodu Police Station, Thiruvananthapuram District, alleging commission of offences under Sections 354A(iv) of the Indian Penal code and Section 12 r/w. Section 11(i) & 11(vi) of the Protection of Children from Sexual Offences Act.

3. The allegation against the petitioner is that the petitioner

committed sexual assault on the minor victim girl who is the daughter of the de facto complainant by compelling the victim to enter in his car and trying to grab her private parts.

4. The learned counsel for the petitioner submits that the petitioner was roped in on the basis of some mistaken identity. It is submitted that the

petitioner is absolutely innocent in the matter. It is submitted that the petitioner has been in custody from 22.12.2021 and has completed 45 days in custody. It is submitted that even going by the allegations, there was only an attempt to sexually assault the minor victim girl and actual assault had not taken place.

5. I have heard the learned Public Prosecutor also.

6. The learned Public Prosecutor vehemently opposes the grant of bail. It is submitted that the petitioner was arrayed as the accused after he was clearly identified as the person involved in the matter. It is submitted

B.A.No.200/2022 3 that the the minor victim girl was walking along the road and at that time, the petitioner attempted to pull her inside his car and attempted to sexually assault her. It is submitted that the petitioner is not entitled to be released on bail at this point of time.

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

considering the nature of the allegations against the petitioner and also considering the fact that further custody of the petitioner is not required for the purposes of any investigation, I am of the opinion that the petitioner can be granted bail subject to conditions.

8. In the result this bail application is allowed. It is directed that the petitioner shall be released on bail, 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 each for the like sum to the satisfaction of the jurisdictional Court;

(ii) The Petitioner shall report before the Investigating officer in Crime No. 2179/2021 of Venjaramoodu Police Station every Saturday at 11 a.m., until further orders;

(iii) The petitioner shall not enter the local limits of Venjaramoodu Police Station except for the purpose of complying with condition No.(ii) above, until further orders;

(iv) The petitioner shall not attempt to interfere with the investigation, influence or intimidate the de facto complainant or victim or any B.A.No.200/2022 4 witness in Crime No.2179/2021 of Venjaramoodu Police Station;

(v) 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.2179/2021 of Venjaramoodu Police Station may file an application before the jurisdictional Court for cancellation of bail. Sd/- GOPINATH P. JUDGE acd

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