

Pradeep vs State of Kerala

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Court : Kerala

Decided On : Feb-03-2022

Judge : Honourable Mrs. Justice Mary Joseph

Appeal No. : CRL.A/58/2022

Appellant : Pradeep

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MRS. JUSTICE MARY JOSEPH
THURSDAY, THE 3RD DAY OF FEBRUARY 2022 / 14TH MAGHA,
1943 CRL.A NO. 58 OF 2022 AGAINST THE ORDER DATED 3.1.2022
IN CRMP 1544/2021 OF ADDITIONAL SESSIONS COURT FOR TRIAL
OF CASES RELATING TO ATTROCITIES AND SEXUAL VIOLENCE
AGAINST WOMEN AND CHILDREN, THIRUVANANTHAPURAM IN
CRIME NO.1838/2021 OF POOVAR POLICE STATION.
APPELLANT/PETITIONER/1ST ACCUSED: PRADEEP, AGED 25
YEARS S/O. PRINCE, DOOR NO. 4/10-20, NILAVANIVILA VEEDU,
MELPALA DESOM, MANKADA VILLAGE, VILAVANCODE TALUK,
KANYAKUMARI DISTRICT, TAMIL NADU. BY ADV LATHEESH

SEBASTIAN RESPONDENTS/RESPONDENTS: 1 STATE OF KERALA REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM - 682031. 2 DEPUTY SUPERINTENDENT OF POLICE NEYYATTINKARA, THIRUVANANTHAPURAM DISTRICT - 695121, 3 STATION HOUSE OFFICER POOVAR POLICE STATION, THIRUVANANTHAPURAM - 695525. 4 VICTIM XXX PP SMT.SHEEBA THOMAS THIS CRIMINAL APPEAL HAVING COME UP FOR ADMISSION ON 03.02.2022, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT

This appeal is directed against an order passed by Additional Court of Sessions for Trial of cases relating to Atrocities and Sexual Violence against Women and Children, Thiruvananthapuram in CrI.M.P. No.1544/2021 arising from Crime No.1838/2021 of Poovar Police Station.

2. The petitioner is the first accused in the above crime

and as per the allegations of the prosecution, he has committed offences punishable under Sections 366, 366 A, 376(2) (i) (n), 343 r/w Section 34 of the Indian Penal Code, Section 4 r/w Section 3(a), 6 r/w 5(i) (m), 17 r/w 16 of of Protection of Children from Sexual Offences Act, 2012 and Section 3 (2) (v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015.

3. The bail was declined by the court below on finding that the offences alleged are serious. The learned Public

Prosecutor has filed a report in the matter. It is noticed from the report that the investigation in the case is completed and a final report has been laid down before the court on 16.12.2021. Considering the gravity of the offences committed against a minor girl aged 12 years, this Court finds it proper to reject bail to the petitioner, though charge sheet has been filed. However, this order will not stand in the way of the petitioner filing application seeking the relief before the trial court, at a later

point of time.

The Crl.Appeal stands dismissed with the above observation. Sd/- MARY JOSEPH JUDGE al/-

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