

**Prasanth vs State of Kerala**

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**Court :** Kerala

**Decided On :** Feb-21-2022

**Judge :** Honourable Mr. Justice Gopinath P.

**Appeal No. :** Bail Appl./622/2022

**Appellant :** Prasanth

**Respondent :** State of Kerala

**Judgement :**

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE GOPINATH P.  
MONDAY, THE 21ST DAY OF FEBRUARY 2022 / 2ND PHALGUNA,  
1943 CRIME NO.1859/2021 OF KANJIRAMKULAM POLICE STATION,  
THIRUVANANTHAPURAM PETITIONER/ACCUSED: PRASANTH,  
AGED 26 YEARS, S/O.PATHROSE, 'PS NIVAS', MANNAKKALLU,  
KANNARAVILA, NELLIMMOODU P.O., THIRUVANANTHAPURAM -  
695 524. BY ADVS. V.S.VINEETH KUMAR GEORGE MATHEW  
PRAVEEN S. M.D.SASIKUMARAN SUNIL KUMAR A.G DIPU JAMES  
MATHEW K.T. KALESH K.V. STEPHY K REGI ELSA DENNY PINDIS  
RESPONDENTS/STATE & COMPLAINANT: 1 STATE OF KERALA,  
REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF

KERALA, ERNAKULAM - 682 031. 2 THE STATION HOUSE OFFICER, KANJIRAMKULAM POLICE STATION, THIRUVANANTHAPURAM DISTRICT - 695 524, THROUGH PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM - 682 031. BY SRI.M.C.ASHI, PP THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 21.02.2022, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: ..2..

## **ORDER**

This is an application for regular bail.

2. The petitioner is the accused in Crime No. 1859 of 2021 of

Kanjiramkulam. Police Station, Thiruvananthapuram District, alleging commission of offences under Section 376(2)(n) of the Indian Penal Code, Sections 5 and 6 of the Protection of Children from Sexual Offences Act and Section 3(2)(v) of the Schedule Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989.

3. The allegation against the petitioner is that on a false promise of

marriage, the petitioner committed aggravated sexual assault and rape on the victim, who is a minor and also belongs to one among the Scheduled Castes, and thereby, he committed the offences under the aforesaid provisions of law.

4. The learned counsel for the petitioner submits that the petitioner

was in love with the victim and the relationship between them was purely consensual. It is submitted that the petitioner later came to know the character of the victim and he had to withdraw from the promise of marriage. It is further submitted that the petitioner has been in custody from 29.11.2021 and his continued detention is not necessary in the matter as the final report has already been filed in ..3.. the matter.

5. The learned Public Prosecutor opposes grant of bail. It is submitted

that the question of having a consensual relationship with the victim does not arise as the victim was a minor at the time when the offences were committed. It is further submitted that following investigation, it has been revealed that the petitioner had committed the offences alleged against him. It is also submitted that if the petitioner is granted bail, there is every chance of the victim and other material witnesses in the matter being influenced or intimidated. It is further submitted that the petitioner is not entitled to be released on bail.

6. Since this matter involves the offences under the Scheduled Caste

and Scheduled Tribe (Prevention of Atrocities) Act, 1989, notice of this bail application was directed to be served on the informant in Crime No.1859 of Kanjiramkulam Police Station, through the Station House Officer of that Police Station. The learned Public Prosecutor confirms that the notice was served on the informant on 07.02.2022. However, there is no appearance for the informant.

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

into account of the nature of allegations against the petitioner and considering the fact that he has been in custody from 29.11.2021, I am of the opinion that the petitioner can be granted bail, subject to conditions. I am convinced that his continued detention is not necessary for the purpose of any investigation as the final report has already been filed in the matter. In the result, the bail application is allowed and it is directed that the petitioner shall be released on bail subject to the following conditions:

(a) The petitioner shall execute 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; (b)Petitioner shall appear before the investigating officer in Crime No. 1859 of 2021 of Kanjiramkulam. Police Station,

Thiruvananthapuram District, whenever called upon to do so;

(c) The petitioner shall not enter the local limits of

Kanjiramkulam Police Station except for the purpose of complying with condition No.(b) above; (d)The petitioner shall not attempt to influence or intimidate the victim or any witness in Crime No. 1859 of 2021 of Kanjiramkulam. Police Station, Thiruvananthapuram ..5.. District;

(e) The petitioner shall not involve in any other crime while on

bail. If any of the aforesaid conditions is violated, the investigating officer in Crime No. 1859 of 2021 of Kanjiramkulam. Police Station, Thiruvananthapuram District, may file an application before the jurisdictional court for cancellation of bail. Sd/-  
GOPINATH P. JUDGE bka/21.02.2022

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