

Raju vs State of Kerala

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Court : Kerala Orders

Decided On : Feb-08-2022

Judge : Honourable Mr. Justice Gopinath P.

Appeal No. : Bail Appl./721/2022

Appellant : RAJU

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE GOPINATH P.
TUESDAY, THE 8TH DAY OF FEBRUARY 2022 / 19TH MAGHA, 1943
BAIL APPL. NO. 721 OF 2022 CRIME NO.25/2022 OF ADIMALY
POLICE STATION, IDUKKI DISTRICT PETITIONER/ACCUSED: RAJU,
AGED 34 YEARS, SON OF KADUKAN, AGED 34 YEARS, RESIDING
AT 2-105, PADIKKAPPUKUDI, PADICUP, IDUKKI, PIN - 685561 BY
ADV C.K.SREEJITH RESPONDENT: STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR,HIGH COURT OF
KERALA ERNAKULAM, PIN - 682031 BY ADV PUBLIC PROSECUTOR
OTHER PRESENT: ADV ASHI -PP THIS BAIL APPLICATION HAVING
COME UP FOR ADMISSION ON 08.02.2022, 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. 25 of 2022 of Adimaly Police Station, Idukki District, alleging commission of offences under Sections 323, 354 and 354(A)(1)(1) r/w Section 34 of the Indian Penal Code.

3. The allegation against the petitioner is that he sexually assaulted

the victim girl, aged 12 years, when the victim had gone to the shop of the petitioner, who is stated to be a TV mechanic, for the purpose of requiring him to attend some work in her house and thereby, he committed the offences under the aforesaid provisions of law.

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

absolutely innocent in the matter. It is further submitted that the petitioner has been falsely implicated on the basis of some misunderstanding. It is also submitted that the petitioner has been in custody from 06.01.2022 and his continued detention is not necessary for the purpose of any investigation.

5. The learned Public Prosecutor vehemently opposes the grant of

bail. Though the learned counsel for the petitioner submitted that the petitioner has been in custody from 06.01.2022, the learned Public Prosecutor, on instructions, submits that the petitioner has ..3.. been in custody from 09.01.2022. It is pointed out that the victim is a 12-year-old girl, who had been sent by her father to inform the petitioner about some repair works in their house and when the victim reached the shop of the petitioner, the petitioner sexually assaulted her. When she objected, he beat her and also threatened her not to disclose the incident to anyone else. It is further submitted that the petitioner is clearly guilty of very serious offences and he is not entitled to be released on bail.

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

into account of the nature of allegations against the petitioner, I am not inclined to grant bail to the petitioner. If the petitioner is released on bail, there is every chance that the victim and her family members will be intimidated and influenced to withdraw the complaint against the petitioner. Though it is submitted that the petitioner is the sole bread winner of the family, circumstances of the case do not compel me to grant bail to the petitioner. In the result, the bail application fails and accordingly, it is dismissed. Sd/- GOPINATH P. JUDGE

bka/08.02.2022

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