

Ajith vs State of Kerala

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Court : Kerala

Decided On : Mar-31-2022

Judge : Honourable Mr. Justice Gopinath P.

Appeal No. : Bail Appl./2021/2022

Appellant : AJITH

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE GOPINATH P.
THURSDAY, THE 31ST DAY OF MARCH 2022 / 10TH CHAITHRA,
1944 BAIL APPL. NO. 2021 OF 2022 CRIME NO.87/2022 OF
MUHAMMA POLICE STATION, ALAPPUZHA DISTRICT
PETITIONER/ACCUSED:

AJITH, AGED 20 YEARS KOTTAYIL HOUSE, KOOTTAYI
PANCHAYATH, WARD NO 15, CHERUKULUM P.O, PALAKKAD
DISTRICT, PIN - 678572, PIN - 678572 BY ADVS. M.A.SULFIA ABDUL
JALEEL.A RESPONDENTS/DEFACTO COMPLAINANT: 1 STATE OF
KERALA REP. BY PUBLIC PROSECUTOR, HIGH COURT OF
KERALA, ERNAKULAM - 682031, PIN - 682031 2 THSE STATION

HOUSE OFFICER MUHAMMA POLICE STATION, ALAPPUZHA - 688525., PIN - 688525 OTHER PRESENT: SRI. M.C. ASHI (PP) THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 31.03.2022, 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. 87 of 2022 of Muhamma

Police Station, Alappuzha District, alleging commission of offences punishable under Sections 354(A)(1)(i), 354 D(1)(ii) & 366A of the Indian Penal Code; Section 67 B of the Information Technology Act, 2000; and Section 7 r/w Section 8, Section 11(iv) r/w Section 12, Section 13 r/w Section 14 of the Protection of Children from Sexual Offences Act, 2012.

3. The allegation against the petitioner, in brief, is that after

acquainting with the victim girl, who is aged 13 years, over a social media, the petitioner forced her to share her intimate pictures and also took her away from the lawful custody of her parents on two occasions in a car and also sexually abused her by kissing her in the back seat of the car.

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

absolutely innocent in the matter. It is submitted that the allegations have been raised only on account of the objection to the friendship between the petitioner and the minor victim by her parents. It is further submitted that the petitioner is only 20 years ..3.. old. It is submitted that the petitioner has been in custody for 55 days and that his continued detention is not necessary for the purpose of any investigation.

5. The learned Public Prosecutor vehemently opposes the grant of bail. The circumstances of the case are pointed out from records. It is submitted that there is no allegation of any aggravated form of sexual assault.

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

into account of the fact that the petitioner has been in custody for 55 days, I am of the view that the petitioner can be granted bail, subject to conditions. 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. 87 of 2022 of Muhamma Police Station, Alappuzha District, whenever called upon to do so; ..4..

(c) The petitioner shall not attempt to interfere with the

investigation or to influence or intimidate the victim or any witness inCrime No. 87 of 2022 of Muhamma Police Station, Alappuzha District;

(d)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. 87 of 2022 of Muhamma Police Station, Alappuzha District, may file an application before the jurisdictional court for cancellation of bail.

Sd/- GOPINATH P. JUDGE bka/31.03.2022

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