SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com

E.K.Pushpangathan vs State of Kerala

E.K.Pushpangathan vs State of Kerala

SooperKanoon Citation : sooperkanoon.com/1492843

Court : Kerala

Decided On : Jun-30-2022

Judge : Honourable Mr. Justice Bechu Kurian Thomas

Appeal No. : Bail Appl./4842/2022

Appellant : E.K.Pushpangathan

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE BECHU KURIAN THOMAS THURSDAY, THE 30TH DAY OF JUNE 2022 / 9TH ASHADHA, 1944 (CRIME NO.250/2022 OF CHITTARIKAL POLICE STATION, KASARGOD) PETITIONER/S: E.K.PUSHPANGATHAN AGED 53 YEARS SON OF LATE K.KUTTY, ITTIKUNNEAL HOUSE, KARA COLONY, NALLOMPUZHA, CHITTARIKKAL VILLAGE, VELLARIKKUND TALUK, KASARAGOD DISTRICT., PIN - 671326 BY ADV A.ARUNKUMAR RESPONDENT/S: STATE OF KERALA REPRESENTED BY PUBLIC PROSECUTOR,HIGH COURT OF KERALA, PIN - 682031 BY ADV PUBLIC PROSECUTOR OTHER PRESENT: PP SRI. NOUSHAD K. A THIS BAIL APPLICATION HAVING

COME UP FOR ADMISSION ON 30.06.2022, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

BECHU KURIAN THOMAS, J.

========== B.A.No.4842 of 2022
---------- Dated this the 30th day of June, 2022

ORDER

This is an application for regular bail filed under Section 439 of the Code of Criminal Procedure, 1973.

2. Petitioner is the accused in Crime No.250/2022 of

Chittarikkal Police Station, Kasargod. The offences alleged against the petitioner are under Sections 354, 354A(1)(i) of the Indian Penal Code, 1860 and Section 10 r/w Section 9(m)(l) of the Protection of Children from Sexual Offences Act, 2012.

3. The prosecution case is that on 21.03.2022 at about

16.00 hours, the accused committed sexual assault on the 11 year old survivor by pressing her breast. The prosecution also alleges that the said act was repeated again on 06.04.2022 and thereby committed the offences alleged.

4. Sri.A.Arunkumar, learned counsel for the petitioner

submitted that the entire prosecution case is totally false and that the petitioner and his son were attacked by the father of the survivor on 14.04.2022 and that both the petitioner and his son had suffered injuries and the petitioner was admitted to the Medical College Hospital, Kannur from where he was discharged on 20.04.2022. According to the learned Counsel, the father of the survivor, who is the accused in the other crime is still absconding and has not yet been arrested and that the present crime ie. Crime No.250/2022 is registered as a counter blast to Crime No.251/2022.

5. Sri.K.A.Noushad, learned Public Prosecutor opposed the grant of bail and submitted that the allegations are serious in nature and that if the petitioner is released on bail, it would prejudice to the investigation.

6. A perusal of the case diary reveals that prima facie there

are materials on record to connect the petitioner with the crime. However, since the petitioner was remanded to judicial custody on 07.06.2022, I am of the view that the continued detention of the petitioner is not required in the circumstances of the case. Therefore, the petitioner is entitled to be released on bail. In the result, this application is allowed on the following conditions:-

(i) Petitioner shall be released on bail on his executing a bond for Rs.50,000/- (Rupees fifty thousand only) with two solvent sureties each for the like sum to the satisfaction of the court having jurisdiction. ii) Petitioner shall not enter into the jurisdictional limits of Chittarikkal Police Station, Kasargod till the final report is filed.

(iii) Petitioner shall appear before the Investigating Officer as and when required;

(iv) Petitioner shall not intimidate or attempt to influence the witnesses; nor shall he tamper with the evidence or contact the defacto complainant.

(v) Petitioner shall not commit any offence while he is on bail. In case of violation of any of the above conditions, the jurisdictional

Court shall be empowered to consider the application for cancellation, if any, and pass appropriate orders in accordance with the law, notwithstanding the bail having been granted by this Court. sd/ BECHU KURIAN THOMAS JUDGE jm/ APPENDIX OF BAIL APPL. 4842/2022 PETITIONER ANNEXURES Annexure AII A TRUE COPY OF THE DISCHARGE CERTIFICATE ISSUED FROM THE MEDICAL COLLEGE, KANNUR DATED 22-04Annexure AIII A TRUE COPY OF THE ORDER DATED 14-06-2022 IN CRIMINAL.M.P.NO.2236 OF 2022 OF THE COURT OF ADDITIONAL SESSIONS JUDGE-I, KASARAGOD

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com