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

Devan.T.S vs State of Kerala

Devan.T.S vs State of Kerala

SooperKanoon Citation : sooperkanoon.com/1496455

Court : Kerala Orders

Decided On : Jul-22-2022

Judge : Honourable Mr. Justice Bechu Kurian Thomas

Appeal No. : Bail Appl./5105/2022

Appellant : Devan.T.S

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE BECHU KURIAN THOMAS FRIDAY, THE 22ND DAY OF JULY 2022 / 31ST ASHADHA, 1944 BAIL APPL. NO. 5105 OF 2022 CRIME NO.310/2022 OF IDUKKI POLICE STATION, IDUKKI PETITIONER/ACCUSED : DEVAN.T.S AGED 20 YEARS S/O SATHIYAN, THEKKEKUNNEL (H), CHURALY MARUTHUPARATHANDU, CHELACHUVADUKARA, KAJIKUZHY VILLAGE, IDUKKI DISTRICT, PIN - 685602 BY ADVS. N.K.SHYJU GIREESH PANKAJAKSHAN ARCHANA MITHRAN O.K.

RESPONDENT/COMPLAINANT: STATE OF KERALA REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM, PIN - 682031. BY ADV PUBLIC PROSECUTOR

SMT.M.K.PUSHPALATHA THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 22.07.2022, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: BECHU KURIAN THOMAS, J ..... B.A.No.5105 of 2022 ..... Dated this the 22 nd day of July, 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.310 of 2022 of Idukki Police Station registered for the offences punishable under Sections 363, 366, 370A, 370(4), 376(2)

(n) and 323 of the Indian Penal Code, 1860 as well as

Section 84 of the Juvenile Justice (Care and Protection of Children) Act, 2015; and also under Sections 4 r/w Section 3(a), Section 6 r/w Section 5(l) of the Protection of Children from Sexual Offences Act, 2012 and Section 84 of the Ju.

3. The prosecution case is that, petitioner committed aggravated penetrative sexual assault on the minor victim, aged 17 years, and thereby committed the offences alleged against him.

4. Sri.N.K.Shyju, the learned counsel for the petitioner

submitted that the petitioner and the victim were in a relationship and that they had even agreed to get themselves married after the victim attains the age of majority. It was further submitted that the petitioner was arrested on 03.04.2022 and that continued detention of the petitioner, who is aged only 19 years, is not conducive in the interest of justice.

5. Smt.M.K.Pushpalatha, the learned Public Prosecutor,

vehemently opposed the grant of bail and submitted that apart from the present crime, petitioner is an accused in Crime No.1165/2020, which is now pending as S.C.No.162/2022 on the files of Fast Track Sub Court, Thodupuzha, Idukki; wherein the allegations are similar in nature that too with respect to the very same victim.

6. I have considered the rival contentions and had also

perused the statement given by the victim under Section 164 of Cr.P.C., serious allegations have been levelled against the petitioner, including assault of a brutal nature with any article he can catch hold of.

7. Taking into consideration the criminal antecedents of the

petitioner, apart from the severity of assault committed on the victim, notwithstanding the young age of the petitioner, I am of the view that petitioner is not entitled to be released on bail. Accordingly, I dismiss this bail application. Sd/- BECHU KURIAN THOMAS JUDGE AMV/22/07//2022

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