

Vishnu vs State of Kerala

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Court : Kerala

Decided On : Jul-29-2022

Judge : Honourable Mr. Justice Bechu Kurian Thomas

Appeal No. : Bail Appl./5704/2022

Appellant : Vishnu

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE BECHU KURIAN THOMAS FRIDAY, THE 29TH DAY OF JULY 2022 / 7TH SRAVANA, 1944 (CRIME NO.590/2022 OF PALARIVATTOM POLICE STATION) PETITIONER/S: VISHNU AGED 31 YEARS PUTHENVELI VEETIL CHERTHALA SOUTH PANCHAYATH CHERTHALA, ALAPPUZHA., PIN - BY ADVS. MANU HARSHAKUMAR GOVIND CHANDRABHANU MARY ANN SAJI SAMEER.P.A SREEJESH B PANICKER RESPONDENT/S: STATE OF KERALA REPRESENTED BY PUBLIC PROSECUTOR,HIGH COURT OF KERALA, PIN - 682031 OTHER PRESENT: PP SRI.NOUSHAD K.A THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 29.07.2022, THE COURT ON THE

SAME DAY DELIVERED THE FOLLOWING:

BECHU KURIAN THOMAS, J.

===== B.A.No.5704 of 2022
----- Dated this the 29th day of July,
2022

ORDER

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

2. Petitioner is the 3rd accused in Crime No.590/2022 of

Palarivattom Police Station, Ernakulam. The offences alleged against the petitioner are under Sections 370, 376, 354A(1)(i), 109 r/w Section 34 of the Indian Penal Code, 1860 and Section 4 r/w Section 3(a), Section 10 r/w Section 9(l) and Sections 16 and 17 of the Protection of Children from Sexual Offences Act, 2012.

3. According to the prosecution, between 22.03.2022 and

30.03.2022, the accused took the victim girl along with others to a tourist home and committed sexual assault on the minor victim and again took her to a room in April, 2022 while the 1 st accused committed rape on her. Petitioner is also alleged to have sexually assaulted the victim in a lodge at Munnar from 18.04.2022 till 22.04.2022. and, thereby committed offences alleged against him.

4. Sri.Manu Harshakumar, learned Counsel for the petitioner submitted that even going by the prosecution allegations as against the 3rd accused, continued detention of the petitioner is not warranted.

5. Sri.K.A. Noushad, learned Public Prosecutor, on the other

hand opposed the grant of bail and submitted that the allegations against the petitioner are serious in nature, and that if the petitioner is released on bail, it will cause prejudice to the investigation.

6. The allegations against the petitioner are serious in

nature. However, taking note of the circumstances that the petitioner was arrested on 10.06.2022, I am of the view that the continued detention of the petitioner is not required in the nature of allegations. Therefore, the petitioner is entitled to be released on In the result, this application is allowed on the following conditions:-

(a) Petitioner shall be released on bail on him 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.

(b) Petitioner shall appear before the Investigating Officer as and when required.

(c) Petitioner shall not intimidate or attempt to influence the witnesses; nor shall he tamper with the evidence or contact the victim or her family members.

(d) Petitioner shall not commit any similar offences while he is on

(e) Petitioner shall not leave India without the permission of the

Court having jurisdiction. 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/

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