

Ouseph Darwin vs State of Kerala

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Court : Kerala

Decided On : Apr-30-2021

Judge : Honourable Dr. Justice Kauser Edappagath

Appeal No. : Bail Appl./3185/2021

Appellant : Ouseph Darwin

Respondent : State of Kerala

Judgement :

BA.No.3185 OF 2021 1

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE DR. JUSTICE KAUSER EDAPPAGATH
FRIDAY, THE 30TH DAY OF APRIL 2021 / 10TH VAISAKHA, 1943 Bail
Appl..No.3185 OF 2021 CRIME NO.1444/2020 OF Aroor Police Station ,
Alappuzha PETITIONER/ACCUSED: OUSEPH DARWIN AGED 33
YEARS SON OF K.V. SEBASTIAN, KUNNEL HOUSE, THURAVOOR
THEKKU, KUTHIYATHODE PALLITHODE, CHERTHALA, ALAPPUZHA
PIN-688533 BY ADVS. SRI.GEO PAUL SRI.C.R.PRAMOD
SRI.RADHIKA RAJASEKHARAN P. SHRI.NAVEEN T.U.
RESPONDENT: STATE OF KERALA REPRESENTED BY PUBLIC
PROSECUTOR, HIGH COURT OF KERALA ERNAKULAM, PIN-682031

BY PUBLIC PROSECUTOR SMT.V.SREEJA THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 30.04.2021, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: BA.No.3185 OF 2021 2

ORDER

Dated this the 30th day of April 2021 This is an application filed u/s 439 of Code of Criminal Procedure seeking regular bail.

2. The petitioner is the sole accused in Crime

No.1444/2020 of Aroor Police Station. The offences alleged are under Sections 506(ii) of IPC and Sections 8 r/w 7, 10 r/w 9(1), 9(n), 12 r/w 11, 19 and 21 of the POCSO Act and Section 75 of the Juvenile Justice (Care and Protection) Act.

3. The prosecution case in short is that from 1.3.2020 to

31.3.2020 the petitioner committed sexual harassment with the minor victim girl aged 14 years, at the rented house in Aroor Panchayat by touching her private parts and thereby committed the offence.

4. Heard both sides and perused the case diary.

5. The learned counsel for the petitioner submitted that

the petitioner is absolutely innocent and he has been falsely implicated in the present case. He further submitted that there are no materials to connect the petitioner with the alleged crime BA.No.3185 OF 2021 3 and hence he is entitled to get bail. The learned Public Prosecutor opposed the bail application. He contended that the alleged incident occurred as a part of the intentional criminal acts of the petitioner and if the petitioner is released on bail at this stage, it would affect the course of investigation.

6. Perusal of the case diary would reveal that prima

facie there are materials on record to connect the petitioner with the crime. However, the petitioner was remanded to judicial custody on 16.3.2021. In view of the nature of the crime and the stage of investigation, I do not find any reason to hold that the continued detention of the petitioner is required for any purpose. The investigation seems to have reached a fair stage. For all these reasons, the petitioner is entitled to be released on bail on conditions. In the result, the application is allowed on the following conditions:-

(i) The petitioner shall be released on bail

on executing a bond for Rs.1,00,000/- (Rupees One lakh only) with two solvent sureties for the like sum each to the satisfaction of the jurisdictional Magistrate/Court. BA.No.3185 OF 2021 4

(ii) The petitioner shall fully co-operate with

(iii) The petitioner shall appear before the

investigating officer between 10.00 a.m and 11.00 a.m on every Saturday until further orders. The petitioner shall also appear before the investigating officer as and when required by him.

(iv) The petitioner shall not commit any offence of like nature while on bail.

(v) The petitioner shall not make any

attempt to contact any of the prosecution witnesses, directly or through any other person, or any other way try to tamper with the evidence or influence any witnesses or other persons related to

(vi) The petitioner shall not leave State of Kerala without the permission of the trial Court. Sd/- DR. KAUSER EDAPPAGATH JUDGE ab

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