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Ajims vs State of Kerala

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SooperKanoon Citation : sooperkanoon.com/1631713

Court : Kerala

Decided On : Apr-27-2021

Judge : Honourable Dr. Justice Kauser Edappagath

Appeal No. : Bail Appl./3186/2021

Appellant : AJIMS

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE DR. JUSTICE KAUSER EDAPPAGATH TUESDAY, THE 27TH DAY OF APRIL 2021 / 7TH VAISAKHA, 1943 Bail Appl..No.3186 OF 2021 CRIME NO.450/2021 OF Perumbavoor Police Station, Ernakulam PETITIONER/ACCUSED: AJIMS AGED 33 YEARS SON OF MUHAMMED, KOPPARAMBIL HOUSE, ORNA, VENGOLA 683556 BY ADV. SRI.M.A.ABDUL HAKHIM RESPONDENT: 1 STATE OF KERALA REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA 682031 *2 ADDL. R2 XXX PIN 683556 (*ADDL.R2 IS IMPLEADED AS PER ORDER IN CRL.M.A.NO.1/2021 IN BA NO.3186/2021 DATED 27/4/2021) R1 BY PUBLIC PROSECUTOR R2 BY ADV. P.M.ZIRAJ THIS BAIL APPLICATION HAVING COME UP FOR

ADMISSION ON 27.04.2021, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: BA No.3186/21 2

O R D E R

Dated this the 27th 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 accused in Crime No.450/2021 of Perumbavoor Police Station. The offences alleged are under Sections 341, 323, 354A, 354D(1), 511 of 366 of IPC.

3. The prosecution case in short is that on 30/3/2021, at 2.30

p.m., the petitioner with intention to satisfy his lust, caught hold of the hand of the defacto complainant and forcibly pushed her into the front seat of his car, pressed on her breast and attempted to commit rape. When the defacto complainant resisted the attack, the petitioner pushed out her from the car and thereby committed the offence.

4. The defacto complainant entered appearance through counsel. Heard the learned counsel for the petitioner, learned counsel for the defacto complainant and the learned Public Prosecutor.

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 and hence he is entitled to get bail. The learned Public Prosecutor opposed the bail application. BA No.3186/21 3 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 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. Even though the alleged incident has taken place on 30/3/2021, the complaint was lodged with the police by the defacto complainant only on 02/4/2021. 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 `1,00,000/- (Rupees One lakh only) with two solvent sureties for the like sum each to the satisfaction of the jurisdictional Magistrate/Court.

(ii) The petitioner shall fully co-operate with the investigation.

(iii) The petitioner shall appear before the investigating officer BA No.3186/21 4

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 the investigation.

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

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