

Krishnakumar vs State of Kerala

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SooperKanoon Citation : sooperkanoon.com/1633742

Court : Kerala

Decided On : Apr-30-2021

Judge : Honourable Dr. Justice Kauser Edappagath

Appeal No. : Bail Appl./3320/2021

Appellant : Krishnakumar

Respondent : State of Kerala

Judgement :

Bail Appl..No.3320 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.3320 OF 2021 CRIME NO.141/2021 OF Kodakara Police
Station , Thrissur PETITIONER/ACCISED: KRISHNAKUMAR AGED 42
YEARS SON OF SASIDHARAN, KAREDATH HOUSE, KANNATHARA
DESOM, KODAKARA VILLAGE, CHALAKUDY TALUK, THRISSUR
DISTRICT BY ADV. SRI.N.L.BITTO RESPONDENT: STATE OF
KERALA REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT
OF KERALA ERNAKULAM-682031 R1 BY PUBLIC PROSECUTOR
SRI.M.R.DHANIL THIS BAIL APPLICATION HAVING COME UP FOR

ADMISSION ON 30.04.2021, THE COURT ON THE SAME DAY
PASSED THE FOLLOWING: Bail Appl..No.3320 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.141/2021 of Kodakara Police Station. The offences alleged are under Sections 451 and 354A(1)(i) of IPC and Section 8 r/w 7 and 12 r/w 11(iv) of POCSO Act.

3. The prosecution case in short is that on 26.3.2021

at 1.30 am, the petitioner committed house trespass into the house of the victim at Kunnathara and caught hold of her hand, who was standing inside the bathroom and tried to take the victim to the outside premises 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 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

Bail Appl..No.3320 OF 2021 3 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 1.4.2021. 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. The only allegation is that the petitioner caught hold of the hand of the victim. Moreover, the father of the victim has sworn in an affidavit stating that the complaint was filed on some misunderstanding. 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 Bail Appl..No.3320 OF 2021 4 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 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 JUDGE ab