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Ajeesh vs State of Kerala

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Court : Kerala

Decided On : Nov-30-2021

Judge : Honourable Mr. Justice Gopinath P.

Appeal No. : Bail Appl./8914/2021

Appellant : Ajeesh

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE GOPINATH P. TUESDAY, THE 30TH DAY OF NOVEMBER 2021 / 9TH AGRAHAYANA, 1943 BAIL APPL. NO. 8914 OF 2021 CRIME NO.284/2021 OF CHALAKKUDY POLICE STATION PETITIONER/ACCUSED: AJEESH NJATTUKANDATHIL HOUSE, VETTUKADAVU DESOM, MELOOR VILLAGE.., PIN - 680311 BY ADVS. PRABHU K.N. MANUMON A. JAYAN KUTTICHAKKU RESPONDENT/COMPLAINANT: 1 STATE OF KERALA REPRESENTED BY PUBLIC PROSECUTOR,HIGH COURT OF KERALA ERNAKULAM, PIN - 682031 2 XXXXXXXXXX XXXXXXXXXXXXXXXXX BY ADV PUBLIC PROSECUTOR SMT.

SEETHA .S. (SR.PP) THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 30.11.2021, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: BAIL APPL. NO. 8914 OF 2021 2

ORDER

This is an application for regular bail.

2. Petitioner is the accused in Crime No.284/2021 of Chalakkudy police station, alleging commission of offence under Section 376 of the Indian Penal Code.

3. The allegation against the petitioner is that, he

befriended the victim, who was already married and had three children, on the false pretext of marriage and engaged in sexual relationship with her. It is alleged that out of the relationship with the petitioner, the victim gave birth to a fourth child and thereafter, the petitioner withdrew from the promise of marriage.

4. Learned counsel appearing for the petitioner

submits that the relationship between the petitioner and the victim was purely consensual and there was no element of compulsion or any promise of marriage. It is submitted that the petitioner is a driver by profession and that the petitioners continued detention is not necessary as the final report has been filed in the matter. It is submitted that the petitioner has been in custody from 24.08.2021.

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5. Having regard to the facts and circumstances of

the case and and considering the fact that the petitioner has been in custody since 24.08.2021, and also considering the fact that continued detention of the petitioner is not necessary for the investigation into the

matter since the final report has already been filed, I am of the opinion that the petitioner can be released on bail subject to strict conditions. Accordingly, this application for regular bail is allowed and it is directed that the petitioner shall be released on bail subject to the following conditions:-

(i) The petitioner shall execute bond for a sum of Rs.50,000/- (Rupees fifty thousand only) with two solvent sureties each for the like-sum to the satisfaction of the jurisdictional court;

(ii) Petitioner shall appear before the investigating officer in Crime No. 284/2021 of Chalakkudy Police station as and when summoned to do so;

(iii) The petitioners shall not attempt to interfere with the investigation, influence or intimidate the victim or any witness in Crime No. 284/2021 of Chalakkudy police station; BAIL APPL. NO. 8914 OF 2021 4

(iv) The petitioner shall not enter the local limits of the Chalakkudy police station where the de facto complainant is residing except for the purpose of complying with condition No.(ii) above;

(v) The petitioner shall surrender his passport before

the jurisdictional court. If the petitioner does not have a passport, he shall execute an affidavit to that effect and file the same before the said court within seven days of release on bail;

(vi) The petitioner shall not involve in any other crime

while on bail. If any of the aforesaid conditions are violated, the investigating officer in Crime No.284/2021 of Chalakkudy police station may file an application before the jurisdictional court, for cancellation of bail. SD/- GOPINATH P. JUDGE ajt

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