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Sayooj vs State of Kerala

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Court : Kerala

Decided On : Apr-21-2020

Judge : Honourable Mr.Justice T.V.Anilkumar

Appeal No. : Bail Appl./2146/2020

Appellant : Sayooj

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE T.V.ANILKUMAR TUESDAY, THE 21ST DAY OF APRIL, 2020 /1ST VAISAKHA, BAIL APPL.No.2146 of 2020 CRIME NO 190/2020 OF KUNNUMKULAM POLICE STATION, THRISSUR DISTRICT PETITIONER/ACCUSED: SHRI. SAYOOJ, AGED 23 YEARS, S/O ASHOKAN, PATHAYIL HOUSE, PORKULAM P O, THRISSUR DISTRICT. BY ADV. VIJU ABRAHAM

RESPONDENT/COMPLAINANT : STATE OF KERALA, REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA, COCHIN - 682 031. BY SR.PUBLIC PROSECUTOR SRI.C N PRABHAKARAN THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 21.04.2020, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: :-2-: Dated this the 21st day of April,

2020

O R D E R

The applicant seeking regular bail is the sole accused in Crime No.190/2020 of Kunnamkulam Police Station registered under Sections 376(2)(i), 376(2) (f), 450 IPC and under Sections 3(a), 4, 5(n) and 6 of the Protection of Children from Sexual Offences Act, 2012.

2. I have perused the prosecution allegations

in the crime and also the necessary documents on record. I have also heard the learned Public Prosecutor and the learned counsel for the accused via video conferencing. The learned Public Prosecutor vehemently opposed the bail being granted at this stage.

3. The prosecution allegation is that the accused committed rape of the girl child aged 17 years in her own house on 19.2.2018 and on :-3-:

subsequent occasions as well. The learned counsel for the accused points out that there is enemity between the two families and further the parties were in love also. It is also submitted that there is inordinate delay of two years in the alleged crime being reported to Police.

4. The accused is in custody ever since

28.2.2020 and he has completed detention

regard to the progress made in the investigation and also the reasonable period of detention undergone by the accused, I am of the opinion that release of accused on bail at this stage will not affect the interest of investigation adversely. Consequently bail is granted.

5. It is ordered that the concerned Jail Superintendent shall release the accused after :-4-: taking a personal bond for Rs.50,000/- (Rupees fifty thousand only) from him without insisting for sureties, in the name of the jurisdictional Court, on his undertaking to appear before the jurisdictional Court on or before 25-5-2020 in

view of the current situation that he will not be able to secure the presence of sureties during the

ongoing period of National lockdown already declared by the government pursuant to the outbreak of covid-19 (coronavirus), issuing restrictions on movements of the citizens across the country. If the period of lockdown continues any further, the accused will be at liberty to appear before the jurisdictional Court and execute bond for Rs.50,000/- (Rupees fifty thousand only) with sufficient number of solvent sureties for the like sum subject to the satisfaction of the Court within 10 days after the prevailing restriction on :-5-: movement is lifted.

6. Until the accused executes the bail bond

before the jurisdictional Court with the sureties, he shall appear before the Investigating Officer every Monday and Friday between 10 a.m. and 11 a.m. In case the accused resides outside the local limit of the concerned Police Station, he shall appear before the Police Station nearest to his residence. The Police Officer concerned shall by all means ensure that the attendance of the accused at the station house is subject to the observance of norms as regards social distancing and other restrictions imposed by the State.

7. The accused shall not interfere with the

investigation in any manner whatsoever nor shall he influence and intimidate the witnesses or tamper with evidence. He shall not meet or contact the girl until conclusion of the trial. He shall not :-6-: also indulge in criminal activities while being on bail. He shall not also leave the territory of the District where he is staying, without prior permission of the jurisdictional Court except for attending the court in case he is already staying outside the jurisdictional limit of the Court.

8. The jurisdictional Court while taking bond

from the accused on his appearance along with two solvent sureties for the like sum, will be at full liberty to impose or modify any condition which it deems appropriate to the interest of dispensation of criminal justice including those as to attendance of accused before the Investigating Officer.

9. If, in any event the accused fails to appear before the Court as ordered and execute the bond, the jurisdictional Court will have necessary power either to extend the time on reasonable grounds or

:-7-: cancel the bail on being satisfied that the non attendance before the Court was unjustified. So also it is hereby provided that, if contravention of any of the bail conditions is reported, the jurisdictional Court shall have power to revoke the bail on proof of allegations made against the accused.

10. The Jail Superintendent while taking the

bond shall also collect the address details of the accused where he would be physically available during the above period and also the contact details of his close relatives to chase his whereabouts. He shall send the address and contact details of the accused, so collected to the jurisdictional Police Station for information along with the crime number and also forward the bond taken from the accused to the jurisdictional Court.

11. The Investigating Officer shall during this :-8-: period keep a vigil over the accused and take necessary steps to ensure that he does not violate the bail conditions.

12. The learned Public Prosecutor shall

communicate a copy of this order to the concerned Police Station for information and follow up. All pending interlocutory applications are closed. Sd/- T.V.ANILKUMAR JUDGE ami/

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