

(2022) 07 KL CK 0109
In the High Court Of Kerala
Case No : Bail Application No. 5190 Of 2022

Balakrishnan

APPELLANT

Vs

State Of Kerala

RESPONDENT

Date of Decision : 12-07-2022

Acts Referred:

Code of Criminal Procedure, 1973 — Section 439

Indian Penal Code, 1860 — Section 363

Protection of Children from Sexual Offences Act, 2012 — Section 11(i), 11(iv), 11(vi), 12

Citation : (2022) 07 KL CK 0109

Hon'ble Judges : Bechu Kurian Thomas, J

Bench : Single Bench

Advocate : P.Venugopal, Sebi S. Raj, Srilakshmi T.S., Noushad K.A

Final Decision : Allowed

Judgement

Bechu Kurian Thomas, J

1. This is an application for regular bail under Section 439 of Code of Criminal Procedure, 1973.

2. Petitioner is the accused in Crime No.227 of 2022 of Payyoli Police Station, Kozhikode. The offences alleged against the petitioner are punishable under Section 363 of the Indian Penal Code, 1860 apart from Section 12 read with Section 11(i), (iv), & (vi) of Protection of Children from Sexual Offences Act, 2012.

3. The prosecution allegation is that on 06.06.2022 at 12.30 p.m., while the victim was waiting for a vehicle, petitioner took him on his scooter to the house of the victim and while returning gave the victim another lift on his scooter and offered to pay him Rs. 500/- if he sat on his lap, which was spoken with sexual intent and thereby committed the offences alleged against him.

4. Sri. P. Venugopal, the learned counsel for the petitioner submitted that, the

entire prosecution case is false and that considering the age of the petitioner as well as the date of arrest being 07.06.2022 the continued detention of the petitioner ought to be restrained by granting bail.

5. Sri. Noushad K.A, the learned Public Prosecutor opposed the grant of bail and submitted that the petitioner has committed serious offences and the detention is required to be continued, failing which the petitioner may influence the witness.

6. A perusal of the case diary reveals that prima facie there are materials on record to connect the petitioner with the crime. However, since petitioner was remanded to judicial custody on 07.06.2022, I am of the view that the continued detention of the petitioner is not required in the circumstances of the case. Therefore, the petitioner is entitled to be released on bail.

7. In the result, this bail application is allowed on the following conditions:-

(i) Petitioner shall be released on bail on him executing a bond for Rs.50,000/- (Rupees fifty thousand only) with two solvent sureties each for the like sum to the satisfaction of the court having jurisdiction.

(ii) Petitioner shall appear before the Investigating Officer as and when required;

(iii) Petitioner shall not intimidate or attempt to influence the witnesses; nor shall he tamper with the evidence or contact the victim or their family members;

(iv) Petitioner shall not commit any similar offences while he is on bail.

(v) Petitioner shall not leave India without the permission of the Court having jurisdiction.

In case of violation of any of the above conditions, the jurisdictional Court shall be empowered to consider the application for cancellation, if any, and pass appropriate orders in accordance with the law, notwithstanding the bail having been granted by this Court.