
(2021) 06 KL CK 0284
In the High Court Of Kerala
Case No : Bail Appl. No. 4668 Of 2021

Murali C.K.

APPELLANT

Vs

State Of Kerala

RESPONDENT

Date of Decision : 21-06-2021

Acts Referred:

Code of Criminal Procedure, 1973 — Section 439

Indian Penal Code, 1860 — Section 341

Protection of Children from Sexual Offences Act, 2012 — Section 9(m), 10

Citation : (2021) 06 KL CK 0284

Hon'ble Judges : Shircy V, J

Bench : Single Bench

Advocate : P.Venugopal, T.J.Maria Goretti, Ferha Azeez, Ajith Murali

Final Decision : Allowed

Judgement

Shircy V, J

1. Application for regular bail filed under Section 439 of the Code of Criminal Procedure.

2.Â The petitioner is the accused in Crime No.820 of 2020 of Perambra Police Station registered for the offences punishable under Sections 9(m)

read with 10 of the Protection of Children from Sexual Offences Act, 2012 (POCSO Act) and Section 341 of the Indian Penal Code.

3.Â The prosecution allegation is that on 26.9.2020 he had committed sexual assault on a minor child aged only 11 years and thereby committed the aforesaid offences.

4.Â He has been in custody since 24.4.2021.

5.Â Heard the learned counsel for the petitioner as well the learned Public Prosecutor.

6. The learned counsel for the petitioner has submitted that though the alleged incident was on 26.9.2020 the complaint was registered against this

petitioner only on 29.9.2020 and he was arrested much later on 24.4.2021. Since then he is undergoing incarceration. But it is also submitted by the

learned counsel that interim bail has been granted to him by the jail authorities on the basis of the decision of the High-Powered Committee constituted

to decide parole amid Covid-19 pandemic of the High Court of Kerala and now he is on interim bail.

7. The learned Public Prosecutor has submitted that the investigation of the case is almost over and the Investigating Agency would submit the final

report within no time.

8. Considering the nature of the accusations levelled against this petitioner and the fact that the investigation is nearing completion, I think that this

petition can be allowed subject to the following conditions.

(i) The petitioner shall be released on bail on his executing bond for a sum of Rs.1,00,000/- (Rupees one lakh only) with two solvent sureties for the like sum each to

the satisfaction of the court having jurisdiction.

(ii) The petitioner shall appear before the Investigating Officer for interrogation as and when required by him, in writing, till filing of the final report.

(iii) The petitioner shall not directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him

from disclosing such facts to the court or to any police officer or tamper with the evidence.

(iv) The petitioner shall not commit any offence while on bail.

In case of violation of any of the above conditions, the learned Magistrate is empowered to cancel the bail in accordance with the law.