
(2011) 07 KL CK 0028

In the High Court Of Kerala

Case No : Bail Application No. 5912 of 2011

Renil Varghese

APPELLANT

Vs

The State of Kerala

RESPONDENT

Date of Decision : 26-07-2011

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 439
Penal Code, 1860 (IPC) — Section 34, 354, 376

Citation : (2011) 07 KL CK 0028

Hon'ble Judges : K.T. Sankaran, J

Bench : Single Bench

Advocate : T. Sudhamani, for the Appellant; No Appearance, for the Respondent

Final Decision : Dismissed

Judgement

K.T. Sankaran, J.—This is an application for bail u/s 439 of the Code of Criminal Procedure. The Petitioner is accused No. 1 in Crime No. 237 of 2011 of Rajapuram Police Station, Kasaragod District.

2. The offences alleged against the accused are under Sections 354 and 376 read with Section 34 of the Indian Penal Code.

3. The prosecution case is the following: On 17.6.2011 at about 4.15 P.M., at the request of accused No. 2, with whom the victim was having acquaintance, the victim came near a cinema theatre. The second accused then took her to the rear side of the theatre and promised that he would marry her. It is also alleged that he outraged the modesty of the victim. At that time, the first accused came there and forcibly took the victim inside the theatre and committed rape.

4. The Petitioner was arrested on 29.6.2011 and he was remanded to judicial custody.

5. The investigation is in progress. The Bail Application was vehemently opposed by the learned Public Prosecutor, who submitted that if the Petitioner is released

on bail at this stage, he would influence and/or intimidate the witnesses.

6. In the facts and circumstances of the case, I do not think it is proper to release the Petitioner on bail at this stage. If the Petitioner is released on bail, it is most likely that he would try to influence and intimidate the witnesses and tamper with the evidence. The investigation is in progress. At this stage, the Petitioner cannot be released on bail.

For the aforesaid reasons, the Bail Application is dismissed.