
(2013) 02 KL CK 0025
In the High Court Of Kerala
Case No : Bail Application No. 1248 of 2013

Sanjo	Vs	APPELLANT
State of Kerala		RESPONDENT

Date of Decision : 28-02-2013

Acts Referred:

Penal Code, 1860 (IPC) — Section 365, 366(2), 376
Protection of Children from Sexual Offences Act, 2012 — Section 4

Citation : (2013) 1 Crimes 683

Hon'ble Judges : P. Bhavadasan, J

Bench : Single Bench

Advocate : K.S. Rajeev Aluva, for the Appellant; Roy Thomas, Public Prosecutor, for the Respondent

Final Decision : Allowed

Judgement

P. Bhavadasan, J.—The petitioner is the sole accused in Crime No. 865/2012 of Aluva West Police Station who is alleged to have committed offences punishable under Sections 366(2), 365 and 376 of IPC and Section 4 of Protection of Children from Sexual Offences Act, 2012 The allegation against the petitioner is that on October, 2012 and November, 2012, he enticed the victim who was aged 17 years and ravished her in a lodge. The petitioner has been in custody from 28.12.2012 onwards.

2. The petitioner would say that he is innocent and has been falsely implicated with ulterior motive. He says that he has not committed any act which would constitute an offence. According to him, his continued custody is unnecessary.

3. The learned Public Prosecutor very vehemently opposed the petition and pointed out that the offence committed is of grave and serious in nature and the petitioner deserves no sympathy. He had very cleverly enticed away the girl to a lodge and ravished her. After having heard the learned counsel for the petitioner and the learned Public Prosecutor and having perused the records, the claim of the petitioner that he is innocent and has been falsely implicated cannot be

accepted. There are material to show his involvement in the incident. A deeper probe into the veracity of the allegation is not warranted at this point of time. The petitioner has been in custody from 28.12.2012 onwards. A good part of the investigation must have been completed by now. Since no apprehension is expressed by the Investigating Agency that if the petitioner is released on bail, he is likely to abscond, his continued custody appears to be unnecessary and he can be released on bail by imposing stringent conditions.

The petition is allowed as follows:

- (i) The petitioner shall be released on bail on his executing a bond for a sum of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two solvent sureties for the like sum each to the satisfaction of the JFCM Court concerned.
- (ii) The petitioner shall appear before the Investigating Officer on every Thursday between 9am ad 10 am until further orders.
- (iii) The learned Magistrate shall ensure the identity of the sureties and also the veracity of the tax receipt before granting bail.
- (iv) The petitioner shall produce his original passport before the learned Magistrate. If he is not having any valid passport, he should file an affidavit regarding the same before the Magistrate.
- (v) The petitioner shall not tamper or attempt to tamper with the evidence or influence or try to influence the witness.
- (vi) The petitioner shall not leave the State of Kerala.
- (vii) If any of the conditions is violated, the bail granted shall stand cancelled and the JFCM concerned, on being satisfied of the said act, may take such proceedings as are available to him in law.