

(2021) 04 KL CK 0076

In the High Court Of Kerala

Case No : Bail Application No. 2921 Of 2021 & Bail Application No. 2989 Of 2021

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APPELLANT

Vs

State Of Kerala And Ors

RESPONDENT

Date of Decision : 09-04-2021

Acts Referred:

Indian Penal Code, 1860 — Section 376(2)(f)(n), 450
Protection Of Children From Sexual Offences Act, 2012 — Section 5(j)(ii), 6(1)

Citation : (2021) 04 KL CK 0076

Hon'ble Judges : Shircy V, J

Bench : Single Bench

Advocate : S. Jiji, C.N. Prabhakaran

Final Decision : Allowed

Judgement

1. Application for regular bail.
2. The petitioner is the accused in Crime No. 2 of 2021 of Bedakom Police Station registered for the offences punishable under Sections 376(2)(f)(n) and 450 of the Indian Penal Code and Section 6(1) read with 5(j)(ii), (l), (n) of the Protection of Children from Sexual Offences Act.
3. The prosecution allegation is that the petitioner trespassed into the residential house of the defacto complainant in the month of October, 2020 and committed rape on her and later when she came to know that she was pregnant, she attempted to commit suicide.
4. The petitioner has been in custody since 16.01.2021.
5. The learned Public Prosecutor would submit that the investigation of the case is over and charge sheet has been filed before the court concerned on 31.03.2021. But he has no case that this petitioner is having any criminal antecedents.
6. The petitioner is aged only 25 years and the victim is aged 17 years.

Considering the fact that the investigation is over and charge sheet has been filed, I think that this petitioner can be released on bail.

Hence, this application is allowed subject to the following conditions:

- (i) The petitioner shall be released on bail on his executing a 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.
- (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.