

(2022) 08 KL CK 0145
In the High Court Of Kerala
Case No : Bail Application No. 5965 Of 2022

XXXXXXX

APPELLANT

Vs

State Of Kerala

RESPONDENT

Date of Decision : 17-08-2022

Acts Referred:

Code of Criminal Procedure, 1973 — Section 439
Indian Penal Code, 1860 — Section 354, 354A(1)(i), 354D
Protection of Children from Sexual Offences Act, 2012 — Section 7, 8, 9(c), 9(d), 9(f), 9(p), 10, 11(iv), 12

Citation : (2022) 08 KL CK 0145

Hon'ble Judges : Bechu Kurian Thomas, J

Bench : Single Bench

Advocate : Sruthy N. Bhat, P.M.Rafiq, M.Revikrishnan, Ajeesh K.Sasi, Rahul Sunil, Sruthy K.K, P.Vijaya Bhanu, M.K.Pushpalatha

Final Decision : Allowed

Judgement

Bechu Kurian Thomas, J

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

2. Petitioner is the accused in Crime No. 848/2022 of Kunnumkulam Police Station, Thrissur District alleging offences under Sections 354, 354A(1)(i), and 354D of the Indian Penal Code, 1860 and Section 8 r/w Section 7, Section 10 r/w Section 9(c), 9(d), 9(f), 9(p) and Section 12 r/w Section 11 (iv) of the Protection of Children from Sexual Offences Act, 2012.

3. According to the prosecution, on 16.06.2022 and 28.06.2022, the accused who is the staff of the school, where the victim is studying, committed sexual assault on her by kissing and groping her and thereby committed the offences alleged.

4. Smt.Sruthy N.Bhat, the learned counsel for the petitioner contended that the

entire prosecution case is false and the incident as alleged, had never occurred.

5. Smt.M.K.Pushpalatha, the learned Public Prosecutor opposed the grant of bail and contended that the victim is a 15 year old girl who was sexually assaulted by the staff of the school and that the offence alleged is serious in nature.

6. I have perused the records of the case. The petitioner was arrested on 01.07.2022 and has been in custody since then. Considering the nature of the allegations and the circumstances arising, I am of the view that continued detention of the petitioner is not required. Accordingly, I allow this application on the following conditions :-

(a) 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.

(b) Petitioner shall appear before the Investigating Officer as and when required.

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

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

(e) Petitioner shall not enter into the jurisdictional limits of the Kunnumkulam Police Station and also within the jurisdiction the Police Station where the victim resides, until conclusion of the trial.

(f) 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.