

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE V.G.ARUN

THURSDAY, THE 30TH DAY OF APRIL 2020 / 10TH VAISAKHA,  
1942

BAIL APPL.NO. 2149 OF 2020

PETITIONER/ACCUSED:-

RAJESH, S/O.SWARNAKARAN, AGED 40 YEARS,  
BRA 23, BANGLAVILA RESIDENCE,  
NEAR KAVALLOR DEVI TEMPLE,  
KANJIRAMPARA WARD, PEROORKKADA VILLAGE,  
THIRUVANANTHAPURAM DISTRICT.

BY ADV.SRI.LATHEESH SEBASTIAN

RESPONDENTS/STATE & COMPLAINANT:-

1. STATE OF KERALA, REPRESENTED BY  
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,  
ERNAKULAM-682 031.
2. STATION HOUSE OFFICER,  
VATTIYOORKAVU POLICE STATION,  
THIRUVANANTHAPURAM-695 013.

BY P.P.SRI.E.C.BINEESH

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON  
30.04.2020, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

**B.A. No. 2149 of 2020**

2

**V.G.ARUN, J.**

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**B.A. No. 2149 of 2020**  
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**Dated this the 30<sup>th</sup> day of April, 2020.**

**ORDER**

This is an application for regular bail filed by the sole accused in Crime No.74/2020 of Vattiyoorkavu Police Station, which was initially registered for the offences punishable under Section 10 read with Section 9(l)(m) and (n) of the Protection of Children from Sexual Offences Act, 2012. Pending this bail application, the petitioner was released by the Sub Jail Authorities where he was under incarceration, based on the order of Full Bench of this Court in W.P.(c) No.9400/2020, which was issued in the light of the Covid pandemic, with the intention of minimising the number of inmates inside prisons.

2. The learned Public Prosecutor would submit that during the course of investigation, offences under Section 3 & 4 of the POCSO Act has also been incorporated and offences under

Sections 376 and 376 AB were there when the crime was registered the offences being punishable for imprisonment of even capital punishment, the petitioner is not entitled for the benefit granted under the order of the Full Bench, is the submission.

The learned counsel for the petitioner would submit since he has been released by the Sub Jail Authorities in compliance of the directions of the Full Bench, his further incarceration can only be pursuant to an application for cancellation of bail to be submitted by the Public Prosecutor, in which event he should necessarily been served with notice in the petition. In any view of the matter, the fact remains that the petitioner have been released on by the Sub Jail Authorities and in such circumstances there is no necessity to keep this bail application pending. In the result, the bail application is closed, reserving liberty to the petitioner as well as the prosecution to seek their remedies in accordance with law.

**V.G.ARUN  
JUDGE**