

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE P.V.KUNHIKRISHNAN

TUESDAY, THE 12TH DAY OF MAY 2020 / 22ND VAISAKHA, 1942

BA NO.2709 OF 2020

(Crime No. 244/ 2020 of Valliathura Police Station, Thiruvananthapuram District)

Petitioner/ Sole accused:

Jobin Antony,
Aged 26 years,
S/o Antony Raju,
Pratheeksha Flat, C4 G3,
BSF Lane, Valiyathura,
Thiruvananthapuram- 695 008

By Adv.SRI.N.KRISHNA PRASAD

Respondent/State

1. The State of Kerala.
Represented by Public Prosecutor,
High Court of Kerala,
Ernakulam, Kochi - 682 031
2. The Station House Officer,
Valiyathura Police Station,
Valiyathura,
Thiruvananthapuram- 695 008

By P.P. Sri.Ajith Murali & Santhosh Peter(Sr)

THIS BAIL APPLICATION HAVING BEEN FINALLY HEARD ON 12.05.2020,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

P.V.KUNHIKRISHNAN, J

B.A.No. 2709 of 2020

Dated this the 12th day of May, 2020

O R D E R

This Bail Application filed under Section 439 of Criminal Procedure Code was heard through Video Conference.

2. Petitioner is the accused in Crime No. 244 of 2020 of Valliathura Police Station. The above case is registered against the petitioner alleging offences punishable under Section 376 of IPC and Section 4 read with Sections 3(a) of the Protection of Children from Sexual Offences Act, 2012. Petitioner was arrested on 12.02.2020 and he is in custody.

3. The prosecution case is that on 16.11.2019, the petitioner committed penetrative sexual assault upon the victim and the victim is aged 17 years. It is alleged that, the sexual intercourse is with a promise to marry the victim girl. The petitioner is aged 26 years.

4. The counsel for the petitioner submitted that the

petitioner is in custody from 12.02.2020 onwards. No final report is filed in this case. Hence, he is entitled statutory bail under Section 167 Cr.P.C.

5. The learned Public Prosecutor submitted that, no final report is filed in this case. He also admitted that, the petitioner was arrested on 12.02.2020 and 90 days is over. The learned Public Prosecutor submitted that, on stringent conditions, the bail can be granted to the petitioner.

6. After hearing both sides, and considering the fact that the petitioner was arrested on 12.02.2020, and also considering the submission of the learned Public Prosecutor, this bail application is allowed with the following directions:

1. The Superintendent of Jail concerned where the petitioner is incarcerated is directed to release the petitioner on bail on executing a self bond ensuring that he will appear before the Court concerned as and when required, if he is not in detention in any other case. It is further directed that the Superintendent of Jail

should get the bail bond from the petitioner as stipulated in Section 441 Cr.P.C.

2. The Superintendent of Jail concerned shall also get the phone number and the address at which the petitioner would be residing after his release.

3. The Superintendent of Jail concerned, immediately after release of the petitioner will forthwith forward the bail bond obtained from the petitioner to the jurisdictional Court.

4. The petitioner immediately after release from the prison, report before the Station House Officer of the Jurisdictional Police Station and shall furnish his phone number and the place where he is going to reside. The Station House Officer concerned shall keep a vigil on the whereabouts of the petitioner and shall ensure that the petitioner do not violate the terms of the undertaking.

5. The petitioner shall appear before the Investigating Officer as and when required. The petitioner shall co-operate with the investigation and shall not threaten or attempt to influence the witnesses or tamper with the evidence.

6. The petitioner shall within one week from the commencement of the functioning of the jurisdictional court, if the court is not functioning at present, execute a bond for Rs.50,000/- (Rupees Fifty Thousand only) with two solvent sureties each for the like sum to the satisfaction of the jurisdictional Court.

7. The petitioner shall strictly abide by the various guidelines issued by the State Government and Central Government with respect to keeping of social distancing and other directions in the wake of declared lock-down.

8. If any of the above conditions are violated by the petitioner, the jurisdictional Court can cancel the bail in accordance with law, even though the bail is granted by this Court.

P.V.KUNHIKRISHNAN, JUDGE

VPK