

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE V.G.ARUN

THURSDAY, THE 5TH DAY OF MAY 2020 / 15TH VAISAKHA, 1942

Cr1.A.NO.1544 OF 2019

(SC.NO.165 PF 2015 ON THE FILE OF THE ATROCITIES
AGAINST WOMEN AND CHILDREN (ADDITIONAL SESSIONS
COURT-I), KASARAGODE DATED 13.12.2019)

APPELLANT/ACCUSED:

YESHWANTH 1@ APPU,
S/O.YOGESH ACHARIYA,
AGED 35 YEARS, MATHRUKRIPA,
NEAR KUBANOOR SRAUP SCHOOL,
KUBANOOR, MANGALAPADY GRAMAM,
KASARAGODE.

BY ADV.SRI.T.G.RAJENDRAN

RESPONDENTS/COMPLAINANT & STATE:

1. THE DEPUTY SUPERINTENDENT OF POLICE,
SPECIAL MOBILE SQUAD, KASARAGODE-671 121.
2. STATE OF KERALA, REPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM 682 031.

BY PUBLIC PROSECUTOR SRI.E.C.BINEESH

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 05.05.2020, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

V.G.ARUN, J.

CRL.M.APPL.NO.1 OF 2020

IN

CRL.A.No. 1544 of 2019

Dated this the 5th day of May, 2020

ORDER

The appeal has already been admitted.

2. The matter is coming up for consideration of the petitioner's request for suspension of his sentence. The learned Public Prosecutor has filed an objection pointing out that the victim was aged 14 years and that considering the heinous nature of crime committed by the petitioner, he may not be enlarged on bail.

3. Learned counsel for the petitioner would submit that the petitioner was on bail during the course of trial and more than four months have elapsed after the petitioner's incarceration consequent upon his conviction by the trial court. It is prayed that the petitioner is prepared to abide by any condition.

4. The judgment of the trial court was rendered on

13.12.2019 and the petitioner is continuing under incarceration from that date onwards.

5. Considering the fact that the petitioner was on bail during trial and that he is in jail from 13.12.2019 onwards, I am inclined to suspend the execution of sentence imposed on the petitioner by the trial court. The petitioner shall, within a period of 30 days implead the victim as a party to this appeal as mandated under Section 15A(5) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.

6. Execution of sentence imposed on the petitioner shall be suspended and the petitioner enlarged on bail on condition of the petitioner executing a bond for Rs.50,000/- (Rupees Fifty Thousand only) with two solvent sureties each for the like amount, to the satisfaction of the trial court. While on bail, the petitioner shall not enter the limits of the Police Station, within the limits of which the victim is residing at present.

**V.G.ARUN
JUDGE**

vgs