

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE ASHOK MENON

FRIDAY, THE 08TH DAY OF MAY 2020 / 18TH VAISAKHA, 1942

CRIMINAL APPEAL NO.442 OF 2020

(AGAINST THE DISMISSAL OF BAIL ORDER IN COVID BAIL APPLICATION  
NO.T.64/2020 IN THE COURT OF 1<sup>ST</sup> ADDITIONAL SESSIONS JUDGE,  
THRISSUR DATED 08/04/2020 ARISING FROM CRIME NO. 128/2020 OF  
PERAMANGALAM POLICE STATION.)

APPELLANT/ACCUSED NO. 1:

VISHNU,  
AGED 20 YEARS, S/O BABU,  
VADAKKUMURI HOUSE,  
VANDAZHI.P.O, ALATHUR,  
PALAKKAD- 678706.

BY ADV. SRI. K. AMAR RAGH

RESPONDENTS/COMPLAINANT/ VICTIM:

1. STATE OF KERALA  
REPRESENTED BY THE PUBLIC PROSECUTOR,  
HIGH COURT OF KERALA, ERNAKULAM- 682031.

2. XXXXXXXX  
XXXXXXX  
[SINCE THE MATTER INCLUDES OFFENCES UNDER POCSO ACT  
AND THE VICTIM IS A MINOR, HER NAME AND IDENTITY  
CANNOT BE DISCLOSED]

BY PUBLIC PROSECUTOR SRI.AMJAD ALI.

THIS CRIMINAL APPEAL HAVING COME UP FOR ADMISSION ON  
08.05.2020, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

## **JUDGMENT**

The appellant seeks interference of this Court for granting bail to him, who has allegedly committed offences punishable under Sections 3, 4, 5, 6, 16 and 21 of the POCSO Act; under Sections 107, 312, 315, 363, 376 (2) (n) and 450 read with Section 34 of I.P.C. and under Section 3(2) (v) of Scheduled caste and Scheduled Tribe (Prevention of Atrocities) Act.

2. The bail was preferred before the trial Court and dismissed and hence this appeal. The appellant states that through accused 2 and 3, who are his sister and mother have been granted bail, he has not been granted bail. Therefore, indulgence may be shown and he may be granted bail. It is also pointed out that the appellant and victim were in love with each other, in consequence to which the alleged offence took place. Considering the gravity of the offence and the fact

that the victim was impregnated, there is strong *prima facie* evidence against the appellant and granting of bail to his mother and sister, who had only assisted the petitioner, the main perpetrator of the offence, does not justify granting bail to him. Therefore, I am not inclined to interfere with the order of the learned Sessions Judge. The appellant is at liberty to move for bail at a later stage before the trial Court. With these observations, the Criminal Appeal is dismissed.

**ASHOK MENON**

**Judge**