

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE ASHOK MENON

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

CRL.APPEAL.NO.457 OF 2020

(AGAINST THE ORDER OF THE ADDITIONAL SESSIONS COURT NO.V,
THIRUVANANTHAPURAM DATED 20.04.2020 IN CRL.MC (E) NO.32/2020
ARISING FROM CRIME NO.180/2020 OF VITHURA POLICE STATION)

APPELLANT/PETITIONER/1 ST ACCUSED:

SUMESH, AGED 26 YEARS, S/O SUDHAN,
SUDHEESH BHAVAN, KUZHIPPARA, MEENANGAL,
VITHURA VILLAGE, NEDUMANGAD TALUK,
THIRUVANANTHAPURAM DISTRICT.

BY ADV.LATHEESH SEBASTIAN

RESPONDENTS/RESPONDENTS/STATE & DEFACTO COMPLAINANT:

1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682031
2. DEPUTY SUPERINTENDENT OF POLICE,
NEDUMANGAD POLICE STATION,
THIRUVANANTHAPURAM DISTRICT-695543
3. STATION HOUSE OFFICER,
VITHURA POLICE STATION,
THIRUVANANTHAPURAM DISTRICT-695551.
4. NEETHU, D/O.LATHA, AGED 24 YEARS,
KIZHAKKUMKARA PUTHEN VEEDU, MEENANGAL,
THEVIYARUKUNNU WARD, ARYANAD VILLAGE,
NEDUMANGAD TALUK, THIRUVANANTHAPURAM - 695 542.

R1-R3 BY PUBLIC PROSECUTOR SRI.C.S.HRITHWICK

THIS CRIMINAL APPEAL HAVING COME UP FOR ADMISSION ON
12.05.2020, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ASHOK MENON, J.

Cr1.Appeal No.457 of 2020

Dated this the 12th day of May, 2020

J U D G M E N T

Appellant is the first accused in Crime No.180/2020 of Vithura Police Station for having allegedly committed offences punishable under Sections 313, 376, 376(n) and 506(i) read with Section 34 IPC and under Sections 3(1)(r),(s) and 3(2)(v) of the SC/ST (Prevention of Atrocities) Amendment Act, 2015. The petitioner was arrested and has been in custody since 20.3.2020. The specific allegation of the prosecution is that the petitioner and the defacto complainant were in a live-in relationship and the petitioner impregnated her and withdrew from his promise to marry her, which has been defined as act of rape of the victim.

2. Considering the fact that the petitioner has been incarcerated for fairly a long time and no further steps in the investigation of the case has been taken, the application for bail is allowed and the appellant is released on bail on the following conditions:

(1) He shall execute a bond for Rs.1,00,000/- (Rupees one lakh only) with two solvent sureties each for the like amount to the satisfaction of the trial court.

(2) He shall not intimidate or influence the witnesses.

(3) He shall appear before the investigating officer as and when called for.

(4) Breach of any of the above conditions will entail the prosecutor to apply for cancellation of the bail.

The Criminal Appeal is allowed.

**ASHOK MENON
JUDGE**