

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE ASHOK MENON

TUESDAY, THE 31ST DAY OF DECEMBER 2019 / 10TH POUSHA, 1941

Bail Appl..No.9491 OF 2019

AGAINST THE ORDER/JUDGMENT IN CRMP 4543/2019 DATED 18-12-2019 OF
SPECIAL COURT UNDER POCSO ACT, THRISSUR

CRIME NO.1137/2019 OF Kunnankulam Police Station, Thrissur

PETITIONER/ACCUSED NO.2:

DEVIKA,
AGED 19 YEARS, D/O. SATHEESAN,
KUZHIPARAMBIL HOUSE, KOZHIKUNNU P.O,
MULAKUNNATHUKAVU, THRISSUR
NOW RESIDING AT THALAKOTTUKARA,
VELOOR P.O, THRISSUR.

BY ADVS.
SRI.P.VIJAYA BHANU (SR.)
SRI.P.M.RAFIQ
SRI.V.C.SARATH
SRI.VIPIN NARAYAN
SRI.AJEESH K.SASI
SMT.POOJA PANKAJ
SRUTHY N. BHAT
SRI.THOMAS J.ANAKKALLUNKAL

RESPONDENT/COMPLAINANT:

STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM 682 031.

OTHER PRESENT:

SMT.SREEJA.V., PP

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
31.12.2019, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

O R D E R

Dated this the 31st day of December 2019

The petitioner is 19 year old lady, who has been implicated as 2nd accused in Crime No.1137/2019 of Kunnankulam Police Station, for having allegedly committed the offences punishable under Sections 363, 384, 376 of I.P.C. and Section 6 read with Sections 5(1) and Section 17 read with Section 16 of the POCSO Act. The prosecution case is that the 1st accused, who was allegedly intimate to the victim aged 16 years old, had sexually abused her several times at her house as well as at the house of the 2nd accused, who had facilitated them to commit the offence in her house. There is also an allegation that the 1st accused had threatened her by stating that he would publish her nude photographs in the WhatsApp group, thereby further subjected her to sexual assault under the threat. There is, however, no allegation that the 2nd accused/petitioner was involved in such threats, apart from the allegation that she had facilitated the 1st accused and the victim to have sexual relationship at

her house. She has been in judicial custody since 12.12.2019. No further interrogation of the petitioner is required. She has no criminal antecedents and she is only 19 years old.

Under the above circumstances, the petition is allowed and the petitioner is released on bail on the following conditions:

- 1) She shall 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 trial court having jurisdiction.
- 2) She shall not intimidate or attempt to influence the witnesses; nor shall she tamper with the evidence.

In case of breach or violation, the bail granted to her is liable to be cancelled by the jurisdictional Court.

Sd/-

ASHOK MENON

JUDGE

dkr

APPENDIX

PETITIONER'S/S EXHIBITS:

ANNEXURE A

**COPY OF THE ORDER IN CRL.M.P.NO.4543/2019
OF THE COURT OF FIRST ADDITIONAL SESSIONS
JUDGE THRISSUR DATED 18.12.2019.**