

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MRS. JUSTICE SHIRCY V.

WEDNESDAY, THE 31ST DAY OF MARCH 2021 / 10TH CHAITHRA, 1943

Bail Appl.. No.2456 OF 2021

CRIME NO.96/2021 OF PERAMBRA POLICE STATION, KOZHIKODE

PETITIONER/ACCUSED:

KIRAN,
AGED 20 YEARS
THAYYULLAPARAMBIL HOUSE, MENHANNIAM,
KOZHIKODE, PIN-673525

BY ADV. SRI.P.SAMSUDIN

RESPONDENTS:

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

2 VICTIM
AGED 28 YEARS
VICITM IN CR 96 OF 2021 OF PERAMBRA POLICE,
PIN-673525

R1 BY PUBLIC PROSECUTOR
SRI.AJITH MURALI,PP

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
31.03.2021, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER

Dated this the 31st day of March 2021

Application for pre-arrest bail.

The petitioner is the accused in Crime No.96/2021 of Perambra Police Station registered for the offences punishable under Sections 376(2)(n), 506 of the Indian Penal Code and Section 119(b) of the Kerala Police Act.

2. The prosecution case is that the petitioner, who is the accused just completed the age of 18 years at the time of the incident some how or other managed to obtain the nude photographs of the victim. Thereafter, by threatening her that he would circulate the nude photographs he has committed rape on her on various occasions and thereby committed the aforesaid offences.

3. The learned counsel for the petitioner would submit that the petitioner who is aged 20 years now, at the time of the alleged incident has not even completed 18 years. He is totally innocent of the allegation levelled against him. But he apprehends arrest and hence this application.

4. The learned Public Prosecutor refuting the claim raised

by the petitioner contended that very serious allegations are raised against this petitioner and he is not a boy who has not completed 18 years at the time of the incident.

5. The case of the prosecution is that after obtaining nude photographs of the defacto complainant by some how or other he used to threaten her that he would circulate the same in social media and thus he committed rape on her. Defacto complainant is a married lady having two children. When his threat was intolerable and unbearable she attempted to commit suicide along with her two minor children by jumping into a river. But the lady and a child were saved. Unfortunately, the other child died in the incident. Now a case has been registered against the defacto complainant also under Section 302 of the Indian Penal Code. The investigation of this case is only in progress and if he is granted anticipatory bail definitely the smooth course of investigation will be affected adversely and hence this application is vehemently opposed by the learned Public Prosecutor.

6. It is submitted by the learned counsel for the petitioner that he has not attained the age of 18 years at the time of the alleged incident which is alleged to have taken place in the year 2019 and he is totally innocent and has nothing to do with the

alleged tragedy.

On hearing both sides, I find that the prosecution has very serious allegations against this petitioner though he is aged only 18 or 19 years at the time of the incident. The investigation of the case has to progress and the investigating agency has to go into the depth of the allegations raised against this petitioner. In such a case, if anticipatory bail is granted definitely he will get an opportunity to flee from justice causing obstacles to the smooth progress of the investigation. Moreover, anticipatory bail cannot be granted as a matter of course in each and every case. When the allegations are very strong and if there is an apprehension that the accused may abscond and intimidate the witnesses to the prosecution and anticipatory bail cannot be granted to an accused which is to be used very sparingly. Here of course the petitioner is aged only 20 years. Still I am not inclined to take a lenient view, as very serious accusations are there against this petitioner.

Hence, his request is rejected and this application is dismissed.

Sd/-

**SHIRCY V.
JUDGE**